

## Texas State Regulations and Complaints Procedures

[Tex. Educ. Code. §132.202](#), which states:

A school or educational institution described by [Section 132.001\(1\)\(B\)](#) shall post a conspicuous notice on the home page of its website stating:

1. that the career school or college is not regulated in Texas under this chapter.
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.

[Tex. Educ. Code §132.001](#) (1)(A) defines a career school or college as,

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

- (i) that offers or maintains a course or courses of instruction or study; or
- (ii) 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.

If a school or education institution meets all four (4) criteria provided for in [Tex. Educ. Code §132.001](#)(1)(B), and notifies TWC of such, then they may be excluded from the definition. The four criteria are:

- i. is physically located in another state;
- ii. is legally authorized by the state of its physical location to offer postsecondary education and award degrees;
- iii. is 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**
- iv. offers in this state only postsecondary distance or correspondence programs of instruction.

For the purposes of (iv) above, we don't view clinicals or externships as a form of physical presence or a qualifier of meeting the definition of a "career school or college", as defined in [Tex. Educ. Code § 132.001\(1\)\(A\)](#). We consider a clinical or externship component in Texas as having

the same value of offering in this state only postsecondary distance or correspondence program of instruction as subsection (iv) indicates.

1. Daybreak University is a non-profit university approved to operate by the California Bureau for Private Postsecondary Education located in Anaheim, California. Daybreak University exclusively operates within the state of California in the United States.

2. Eligibility for Licensure as Licensed Marriage and Family Therapist (LMFT)

The Board of Behavioral Sciences (BBS) has determined that Daybreak University's MA and Ph.D. in Counseling programs with a Specialization in Marriage and Family Therapy (MFT) meet the statutory requirements for Licensed Marriage and Family Therapist in California. Click [here](#) to find Daybreak University listed on the BBS website as an MFT program which meets the MFT licensure requirements, pursuant to California Business and Professions Code (BPC) §4980.36.

3. Daybreak University is a member of the Transnational Association of Christian Colleges and Schools (TRACS) [15935 Forest Road, Forest, VA 24551; Telephone: (434) 525-9539; e-mail: info@tracs.org], having been awarded Accredited Status as a Category IV institution by the TRACS Accreditation Commission on October 27, 2020. This status is effective for a period of up to five years. TRACS is recognized by the United States Department of Education (ED), the Council for Higher Education Accreditation (CHEA), and the International Network for Quality Assurance Agencies in Higher Education (INQAAHE). [TRACS Verification of Accreditation](#)

4. Daybreak University offers postsecondary distance education to Texas Residents via online asynchronous or synchronous courses. Also offers clinicals or externships training, which is viewed as non-physical presence or a qualifier of meeting the definition of a "career school or college", as defined in [Tex. Educ. Code § 132.001\(1\)\(A\)](#).

### **How to File a Complaint**

Most consumers receive a quality education and have a generally positive experience from attending an approved private postsecondary educational institution. However, in the event a consumer believes an institution's administrative processes or educational programs are compromised and are not up to the required minimum standards, the consumer should notify the Bureau. Consumers should also notify the Bureau if a consumer suspects that an institution is operating without Bureau approval. Consumers may file a complaint by using the Bureau's [online complaint submission link, here](#) (preferred) or by downloading the [complaint form](#) and mailing it to the address below.

Bureau for Private Postsecondary Education  
P.O. Box 980818  
West Sacramento, CA 95798-0818

### WHO MAY FILE A COMPLAINT

Anyone may file a complaint if they believe an institution has violated the laws and/or regulations governing the institution's operation, including unlicensed activity. Complaints are most often received from students, their families, other members of the private postsecondary education industry, law enforcement agencies, and other regulatory agencies.

If you have questions or need assistance with filing a complaint please email, [bppe.enforcement@dca.ca.gov](mailto:bppe.enforcement@dca.ca.gov) or call (888) 370-7589, press 3 when prompted.

A member may also contact TRACS Accrediting Agency by completing the TRACS Complaint

Form found on [https://tracs.org/documents/3.TRACSComplaintForm-AgainstInstitution\\_000.pdf](https://tracs.org/documents/3.TRACSComplaintForm-AgainstInstitution_000.pdf) and submitting it to the President of the TRACS.

### **Transnational Association of Christian Colleges and Schools (TRACS)**

15935 Forest Rd., Forest, VA 24551

## **How to File a Complaint in Texas**

Before filing a complaint concerning a Texas higher education institution, please read and follow the steps below. Only properly filed forms that comply with the steps will be considered for further review.

1. Determine which agency can best address your concern(s).

The role of the Texas Higher Education Coordinating Board (THECB) is to represent the state of Texas and regulate compliance with the laws that fall under the THECB's authority. The THECB cannot offer legal advice to complainants and does not act as a student's agent, representative, or attorney. Any information the THECB's staff provides is not and should not be interpreted as legal advice or representation.

The authority of Texas Higher Education Coordinating Board is limited to that expressly granted by law and stipulated in the THECB rules. For example, a student's eligibility for financial aid is determined by the student's institution and the THECB generally does not have the authority to override the school's determination.

Student complaints reporting violations to applicable statutes under Texas Education Code Chapters 54 and 61 and THECB rules under Title 19, Texas Administrative Code, Part 1 may be investigated by THECB.

### ***Non-Exhaustive List of Student Complaints Not Reviewed by the THECB***

- Anonymous Complaints
- Matters that are or have been in litigation.
- Complaints about criminal matters
- Matters solely concerning grades, examination results, or evaluation of academic performance.

- Matters solely related to student life such as housing, dining facilities, food service, code of conduct, or student activities and organizations.
- Complaints about religious institutions relating solely to their religious (as opposed to secular) standards and religious programs of study.
- Complaints concerning actions that occurred more than two years prior to filing a student complaint form with the THECB, unless the cause of the delay was the complainant's exhaustion of the institution's grievance procedures.
- Complaints by former students more than one year after the student's last date of attendance at the institution and more than 6 months after discovering the grounds for the complaint, unless the cause of the delay was the complainant's exhaustion of the institution's grievance procedures.

More information can be found at [Texas Administrative Code, Title 19, Section 1.113](#).

***Certain types of complaints are handled by other authorities listed below.***

[Texas Workforce Commission's Career School Section](#) – Addresses complaints concerning a non-degree granting career school's policies, procedures, or programs, or concerning a career college's policies, procedures or non-degree programs.

[Texas Department of Licensing and Regulation](#) – Addresses complaints concerning programs designed to facilitate receipt of a State of Texas license or other educational programs overseen by the agency (e.g., cosmetology, electrician programs).

[U.S. Department of Education Office for Civil Rights](#) – Enforces “federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the Department of Education.” If your complaint pertains to Title IX, you can also file a complaint with the school's Title IX coordinator whose information can be found on your institution's website.

[U.S. Department of Education Office of the Inspector General](#) – Investigates fraud, waste, or abuse of federal student aid funds.

[U.S. Department of Education Federal Student Aid's Ombudsman](#) – Helps resolve issues regarding federal student loans.

[Consumer Protection Division of the Office of the Attorney General](#) – Investigates complaints concerning violations of state consumer protection laws, such as laws related to fraud or false advertising.

## 2. Complete the institution's student complaint or grievance process.

If you've determined that the THECB is the appropriate agency, the next step for current, former, or prospective students who would like to file a formal complaint regarding a Texas higher education institution is to complete all of the institution's student complaint or grievance procedures as required by [Texas Administrative Code, Title 19, Section 1.116\(b\)](#). **To submit a complaint to the THECB, students are required to provide written evidence of his or her completion/exhaustion of the institution's student complaint process. This includes all institutional appeals.**

An institution's student complaint or grievance procedures are typically available in the academic catalog or student handbook on the institution's website.

## 3. Collect the required documentation.

You will be required to upload the following to file a complaint with the THECB.

- Fully completed and signed THECB Student Complaint and Authorization Form [PDF] (Complaints from

students with disabilities must also include an [Authorization to Disclose Medical Record Information Form \[PDF\]](#) if the complaint in any way involves alleged discriminatory treatment as a result of the disabilities.);

- Documentation of the student's completion of the institution's complaint or grievance procedures, including the ultimate outcome of the procedures.
  - Evidence to support the complaint, such as copies of correspondence, enrollment agreements, course catalog information, and any other information believed to be relevant to the matter of the complaint.
4. [Submit the completed online Student Complaint Form and Documentation.](#)

The required documentation may be submitted to the THECB in one of the following ways:

- **Complete the online student complaint form and upload the required supporting documentation in PDF format.** To access the online student complaint form, click [here](#).
- If you are unable to submit the online Student Complaint and Release Form, click [here](#) for a fillable PDF, please print a paper copy to submit by mail. Complaints sent to the THECB by mail take more time to process than those submitted using this online form. Completed forms and required documentation\* may be mailed to:

Texas Higher Education Coordinating Board  
Office of General Counsel  
P.O. Box 12788  
Austin, Texas 78711-2788

\*Faxed forms are not accepted.

\*Documents received by the THECB cannot be returned, so original documents should not be submitted. Students are encouraged to retain a copy of their complaint and all documents submitted.

5. [THECB will thoroughly review the completed complaint form and documentation when received.](#)

Once the THECB receives the required student complaint documentation, the agency may investigate or refer the complainant to other agencies or entities:

- The THECB may refer to complaints alleging that an institution has violated state consumer protection laws to the Consumer Protection Division of the Office of the Attorney General of Texas for investigation and resolution.
- The THECB may refer complaints pertaining to a component institution in a university system to the appropriate university system for investigation and resolution (e.g., complaints pertaining to an institution in the University of Texas System, Texas A&M University System, University of Houston System, University of North Texas System, Texas Tech University System, or Texas State University System).
- The THECB may refer the complaint to the accrediting agency or educational association, such as ICUT (Independent Colleges & Universities of Texas, Inc.), if the THECB determines that a complaint is appropriate for investigation and resolution by the institution's accrediting agency or an educational association. The THECB has the right to adopt any decision made by the accrediting agency or educational association and may terminate the referral of the complaint to those entities at any time and proceed to investigate and adjudicate the complaint.

- If a student complaint concerns compliance with the statutes and regulations the THECB administers, and the complaint will not be referred to another entity, the THECB will initiate an investigation if:
  - The student has completed the grievance/complaint procedures at the institution and
  - The student has provided documentation to the THECB of such exhaustion.
- As part of its investigation, the THECB will request a response from the institution and may also contact other persons or entities named in the student's complaint or in the institution's response, to ascertain all relevant facts. During its investigation, the THECB will, in appropriate cases, attempt to facilitate an informal resolution to the complaint that is mutually satisfactory to the student and institution. In cases in which an informal resolution between the student and the institution is not feasible, the THECB will evaluate the results of the investigation of the student complaint and recommend a course of action to the Commissioner of Higher Education. After receiving staff's recommendation, the commissioner will consider the recommendation regarding the complaint and render a written determination either dismissing the complaint or requiring the institution to take specific actions to remedy the complaint. The commissioner may also request the Board of the THECB to review and decide issues that regard institutional integrity.

Rules for the THECB's Student Complaint Procedure can be found under [Texas Administrative Code, Sections 1.110 – 1.120](#).