



## Guidance for Institutions Providing Instruction Through Distance Education Modalities

The State Council of Higher Education for Virginia (SCHEV) is entrusted with oversight of private and out-of-state degree and non-degree postsecondary institutions. According to 8 VAC 40-31-130 (A) of the Virginia Administrative Code, SCHEV shall ensure that all postsecondary schools subject to certification meet minimal academic or career-technical standards. This document clarifies the certification requirements the physical presence requirement in 8VAC40-31-120(B)(1) as pertains to institutions providing educational offerings predominantly through telecommunications or other distance learning modalities.

An out-of-state institution that provides educational offerings to Virginia residents via distance learning (i.e., computer, other telecommunications devices or mail correspondence courses) is not currently required to obtain a Certificate to Operate so long as it does not have physical presence in Virginia.

An in-state institution that provides its educational offerings predominantly via distance learning modalities (i.e., computer, other telecommunications devices or mail correspondence courses) must demonstrate it is a genuine in-state, Virginia institution in order to be eligible for certification by SCHEV. “Shadow institutions,” defined broadly as those wishing to offer online/distance education without having a permanent physical location with substantial administrative capability in Virginia, are not eligible for certification in the Commonwealth of Virginia. Criteria for determining whether a potential applicant institution is eligible for certification include—but are not necessarily limited to—the following:

1. The institution’s main base of operations is at a permanent physical location in Virginia with regular business hours of operation.
2. The Virginia physical location has the administrative capability to perform student services. (e.g., admissions, financial aid, advising) required for the kind and extent of educational offerings provided. Essential administrative and management functions of the institution are performed at the location in Virginia.
3. Administrative and support staff assigned to the Virginia location are sufficient in number and expertise to support the kind and extent of operations necessary given the size of the institution’s planned enrollment.
4. The institution’s programs are comparable in content, faculty and resources to similar programs offered in person and include regular

student-faculty interaction by computer, telephone, mail, etc. The platform/delivery method to be employed provides adequate defense against fraudulent activities and preserves the integrity of the programs delivered.

5. Senior officials of the institution demonstrate understanding of the state approval process for all states in which it intends to offer distance education.
6. The institution provides evidence that it will be eligible for accreditation by an agency recognized by the United States Department of Education.
7. The institution's educational offerings will be limited to the United States and its territories until such time as it has achieved accreditation by an agency recognized by the United States Department of Education.

An applicant in-state institution that intends to provide its educational offerings predominantly via distance learning modalities shall notify SCHEV at the time it requests name acknowledgement and shall submit evidence to confirm it meets the above criteria.

SCHEV reserves the right to require the submission of additional specific information to support the review of institutions according to the above criteria and/or to require an external review of an applicant institution by an expert or team of experts in distance education.