



State Council of
Higher Education for Virginia

Agency name	State Council of Higher Education for Virginia	
Virginia Administrative Code (VAC) citation(s)	8 VAC 40-31	
Regulation title(s)	Regulations Governing Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates	
Action title	Amendments to correct errors to the regulations that became effective February 3, 2014	
Date posted to Town Hall	April 18, 2016	
30 day comment period ends	May 18, 2016	
Effective Date	June 3, 2016	
Current section number	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
8VAC40-31-160Q Certification criteria for all postsecondary schools	An institution shall notify council staff of the following occurrences no later than 30 days following said occurrence: 1. Addition of new programs or modifications to existing program. Program names must adhere to the CIP taxonomy maintained by the National Center for Education Statistics. 2. Addition of a new branch location or instructional site. 3. Address change of a branch or instructional site in Virginia. Notification of the above referenced occurrences shall be submitted in writing on forms provided by and in a manner prescribed by the council.	Change the word " following " to " prior to ". This mistake was made during the last revision of the regulation and goes against § 23-276.4(A)(3) of the <i>Code of Virginia</i> which requires institutions to receive approval from Council prior to offering degrees, courses for degree credit, programs of study leading to a degree, or non-degree credit and § 23-276.4(A)(4) which requires institutions to receive approval from Council prior to initiating other programs for degree credit or awarding degrees, certificates, or diplomas at a new or additional level. Allowing institutions to initiate new programs or add a new branch without notifying SCHEV until 30 days after the fact goes clearly against Code and was made in error. During the last revision, items requiring notification "prior to" the event were to be listed under this section while items requiring notification "following" the event were listed under 8VAC40-31-160R. However, the word "following" was used erroneously in both sections This change does not impact the institutions as SCHEV currently requires institutions to report the items listed in 8VAC40-31-160Q prior to the change in accordance with Code requirements.
8VAC40-31-170D Initial Certification, recertification and change of ownership	A school submitting its initial application for certification will have 180 days to complete the application process, after which time its application will be withdrawn by the council and it will receive a refund of the application fee minus the nonrefundable handling charge of \$300 .	Change the words " handling charge of \$300 " to " administrative fee ." SCHEV failed to adjust the wording in this section to conform to the new fee schedule approved during the last revision of the regulation. This change will correct the discrepancy between the actual nonrefundable fee charged and the one quoted here.

Current section number	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
8VAC40-31-260B Fees	All fees are nonrefundable with the exception of withdrawal of an application in which case all fees will be refunded minus a reasonable handling charge of \$300.	Change the words " reasonable handling charge of \$300 " to " nonrefundable administrative fee noted in D below. " SCHEV failed to adjust the wording in this section to conform to the new fee schedule approved during the last revision of the regulation. This change will correct the discrepancy between the actual nonrefundable fee charged and the one quoted here.
8VAC40-31-260D Fees	Annual fee for all unaccredited out-of-state career-technical schools \$2,500	Delete this fee. This is no longer applicable.
8VAC40-31-260D Fees	Application fee for each additional branch \$300	Delete this fee. This is not applicable.