



State Council of
Higher Education for Virginia

**Regulatory Potpourri
&
New Program Application *update***

Joseph Crook
Lead Certification Specialist
JosephCrook@schev.edu

Va. Code § 23-21.1 (2016)

Regulation of Certain Private and Out-of-State Institutions of Higher Education

- § 23-276.1 Definitions
- § 23-276.1:1 Certified mail; subsequent mail or notices may be sent by regular mail
- § 23-276.2 Exemptions
- § 23-276.3 Authority of the State Council of Higher Education; delegation of authority to director
- § 23-276.4 Council certification required for the conferring of certain degrees and other awards or the offering of certain programs
- § 23-276.5 Approval procedures
- § 23-276.6 Refusal, suspension, and revocation of approval or certification
- § 23-276.7 Emergency actions
- § 23-276.8 Preservation of students' records required
- § 23-276.9 Fees
- § 23-276.10 Prohibited acts
- § 23-276.11 Virginia law to apply to contracts
- § 23-276.12 Violations; criminal penalty; injunction proceeding; civil penalty
- § 23-276.13 Establishment of the Career College Advisory Board
- § 23-276.14 Certificates generally
- § 23-276.15 List of postsecondary schools holding valid certificates
- § 23-276.16 School closure procedures



8 Va. Admin. Code 40-31 (2016)

REGULATIONS GOVERNING CERTIFICATION OF CERTAIN INSTITUTIONS TO CONFER DEGREES, DIPLOMAS AND CERTIFICATES

- Section 10 Definitions
- Section 20 Prohibited acts
- Section 30 Advertisements, announcements, and other promotional materials
- Section 40 State-supported institutions
- Section 50 Religious institutions
- Section 60 Schools, programs, degrees, diplomas, and certificates exempt from council action
- Section 70 Denial of exemption; appeal of action
- Section 80 Role of the council
- Section 90 Role of the executive director
- Section 100 Role of the council staff
- Section 110 Certain existing approvals and exemptions continued
- Section 120 Certification required for new and existing postsecondary schools
- Section 130 Application of certification criteria
- Section 140 Certification criteria for institutions of higher education
- Section 150 Certification criteria for career-technical schools
- Section 160 Certification criteria for all postsecondary schools
- Section 165 Equipment and facilities
- Section 170 Initial certification, recertification, and change of ownership
- Section 180 Application requirements
- Section 190 Withdrawal of application by a postsecondary school
- Section 193 Loss of accreditation
- Section 195 Suspension or revocation of certificate to operate
- Section 200 Audit requirements
- Section 210 Duplication of and need for instruction for degree credit is irrelevant
- Section 220 Procedural rules for the conduct of fact-finding conferences and hearings (§§ 2.2-4019 through 2.2-4030 of the Code of Virginia)
- Section 230 Criminal prosecution for violation
- Section 240 Civil enforcement
- Section 250 Virginia law to apply to agreements
- Section 260 Fees
- Section 270 Receipt of applications, correspondence and other materials
- Section 280 Closure of a postsecondary school
- Section 290 Waiver by council
- Section 310 Student Tuition Guaranty Fund
- Section 320 Agent registration



Va. Code § 23-2.2:1 (2016)

Reporting of Enrollment Information to Sex Offender and Crimes Against Minors Registry

- Each ... private two- and four-year institution of higher education physically located in the Commonwealth shall electronically transmit enrollment data including
- (i) complete name,
 - (ii) social security number or other identifying number,
 - (iii) date of birth, and
 - (iv) gender
- to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry File,
- for **all applicants that are offered acceptance to attend the institution**.
 - This data shall be transmitted **before such time that an applicant becomes a "student in attendance"** pursuant to 20 U.S.C. 1232g (a)(6) at that institution.
 - However, **institutions with a rolling or instantaneous admissions policy shall report enrollment in accordance with guidelines developed by the Department of State Police** in consultation with the State Council of Higher Education and the Virginia Community College System.



Guidelines for Compliance with Va. Code § 23-2.2:1. Reporting of Enrollment Information to Sex Offender and Crimes Against Minors Registry

- U.S. Department of Education - LAWS & GUIDANCE GENERAL
 - Letter re: Applicability of FERPA to Virginia Sex Offender Registry Law Requiring Disclosure of Applicant Information by Postsecondary Institutions

<http://www2.ed.gov/print/policy/gen/guid/fpco/ferpa/library/vasexoffenderlaw081607.html>

<http://www.schev.edu/policy/GuidelinesForComplianceWith23-2%202%201.pdf>

Va. Code § 23-7.5.(F) (2016)

Health Histories Required; Immunizations.

- **State Council of Higher Education shall**, in cooperation with the Board and Commissioner of Health, **encourage private colleges and universities to develop a procedure for providing information about the risks associated with**
 - Meningococcal disease,
 - Hepatitis B, and
 - the availability and effectiveness of any vaccine against meningococcal disease and hepatitis B.

<http://www.vdh.virginia.gov/Epidemiology/factsheets/pdf/Meningococcal.pdf>

- How can meningococcal disease be prevented?
 - A vaccine is available for the bacteria that cause meningococcal disease. Keeping up to date with recommended vaccinations is the best defense against the disease. Preventive treatment with antibiotics for household members, roommates, or anyone with direct contact with a patient's oral secretions (saliva or spit) can reduce the risk of infection. Good hygiene can reduce the risk of infection as well, such as hand washing, covering noses and mouths when sneezing or coughing, and not sharing cigarettes, straws, cups, glasses, or eating utensils.

Meningococcal disease

What is meningococcal disease?

Meningococcal disease is a serious illness caused by the bacterium *Neisseria meningitidis* (also known as "meningococcus"). A small proportion of infected people can develop a serious form of illness, such as meningitis (inflammation of the lining of the brain and spinal cord) or a bloodstream infection (septicemia).

Who gets meningococcal disease?

Anyone can get meningococcal disease, but it is more common in infants, children, adolescents and young adults. Other persons at increased risk include household contacts of a person known to have had this disease, people with immune system problems, and people traveling to certain parts of the world where meningococcal meningitis is prevalent.

How is meningococcal disease spread?

Neisseria meningitidis bacteria are spread through the exchange of respiratory and throat secretions. An infected person can spread the bacteria by coughing or sneezing directly into the face of others, kissing a person on the mouth, or sharing cups, water bottles, eating utensils, cigarettes, lipstick, or toothbrushes. A person may transmit the bacteria as long as they are present in the nose or throat, especially during the three days before symptoms begin. The bacteria are not spread by casual contact or by simply breathing the air where a person with the disease has been.

What are the symptoms of meningococcal disease?

The symptoms depend on where the infection is located. Meningococcal meningitis is characterized by a sudden onset of fever, headache, stiff neck, sensitivity to light, confusion, nausea, and vomiting. In newborns and infants, these symptoms may be absent or difficult to notice. The infant may appear to be slow or inactive, irritable, vomiting or feeding poorly. A less common but more severe form of meningococcal disease is meningococcal septicemia. The symptoms of meningococcal septicemia may include fatigue, vomiting, cold hands and feet, cold chills, severe pain in the muscles, joints, chest or abdomen, rapid breathing, diarrhea, and a dark purple rash.

How soon after exposure do symptoms appear?

Symptoms of infection may appear two to ten days after exposure, commonly three to four days.

How is meningococcal disease diagnosed?

Laboratory tests on samples of blood or cerebrospinal fluid are needed to confirm the diagnosis.

Meningococcal Disease

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What is the treatment for meningococcal disease?

Meningococcal disease requires immediate treatment with antibiotics. Depending on how serious the infection is, other treatments may also be necessary, such as breathing support, medications to treat low blood pressure, and wound care for parts of the body with damaged skin.

How can meningococcal disease be prevented?

A vaccine is available for the bacteria that cause meningococcal disease. Keeping up to date with recommended vaccinations is the best defense against the disease. Preventive treatment with antibiotics for household members, roommates, or anyone with direct contact with a patient's oral secretions (saliva or spit) can reduce the risk of infection. Good hygiene can reduce the risk of infection as well, such as hand washing, covering noses and mouths when sneezing or coughing, and not sharing cigarettes, straws, cups, glasses, or eating utensils.

How can I get more information about meningococcal disease?

- 1) If you have concerns about meningococcal disease, contact your healthcare provider.
- 2) Call your local health department. A directory of local health departments is located at <http://www.vdh.virginia.gov/LHD/index.htm>.
- 3) Visit the Centers for Disease Control and Prevention website at <http://www.cdc.gov/meningococcal/index.html>.

Do you qualify for free Hepatitis B vaccine?

Some health departments and free clinics offer free hepatitis B vaccine. If you are an adult (19 years of age or older), you may qualify if one of these describes you:

- You are sexually active with more than one partner
- You have diabetes
- You are a household contact of a person with hepatitis B
- You are a sex partner of a person with hepatitis B
- You are seeking evaluation or treatment for a sexually transmitted disease (STD)
- You are a male who has sex with males (MSM)
- You are a current or recent injection-drug user (IDU)
- You have HIV infection

Note: Persons less than 19 years of age qualify for free hepatitis B vaccine at health departments because it is required for school entry.

For more information

Visit our website at:

<http://www.vdh.state.va.us/vahbii>

Visit the CDC's website on HBV at:

<http://www.cdc.gov/hepatitis/B/bFAQ.htm#overview>

Where do you get Hepatitis B Vaccine?

Local health departments in your area may provide free hepatitis B vaccine if you qualify as a high-risk adult. Your primary care physician may also have the vaccine.

To contact the health department in Virginia closest to you, visit:

<http://www.vdh.virginia.gov/lhd/>

Call for walk-in hours or make an appointment. Some may charge a small administration fee.

Virginia Department of Health
Division of Immunization
109 Governor Street
Richmond, VA 23219
(804) 864-8055

<http://www.vdh.virginia.gov/vahbii>

Brought to you by VDH
- Division of
Immunization

Hepatitis B Know the Facts

Get Vaccinated!



VDH VIRGINIA
DEPARTMENT
OF HEALTH
Protecting You and Your Environment
www.vdh.virginia.gov

Hepatitis B and You

What is hepatitis B?

Hepatitis B is a serious disease caused by the hepatitis B virus (HBV) that attacks the liver. It causes the liver to swell and prevents it from working well. HBV can be spread to other people.

Most adults exposed to HBV fully recover after six months. However, a small percentage (5%) have HBV all their lives.

Is hepatitis B a serious problem?

Yes. Each year, thousands of people of all ages in the United States get hepatitis B. About 5,000 persons die of chronic (life-long) liver problems caused by HBV.

Approximately 1.25 million persons in the U.S. are infected with chronic hepatitis B. Chronic infection can lead to cirrhosis, liver failure and liver cancer.

How is hepatitis B spread?

It is spread by:

- Contact with the blood of a person with hepatitis B.
- Contact with infected bodily fluids such as semen or vaginal secretions, e.g., contact during sex.
- A woman with HBV can spread the virus to her newborn baby while giving birth.

Who is at risk for hepatitis B?

You may be at higher risk of infection if:

- You are sexually active with more than one partner
- Your sex partner or a household member has hepatitis B
- You are a man who has sex with men
- You have had a sexually transmitted disease
- You use injection drugs
- You have a job that exposes you to human blood and/or bodily fluids
- You have diabetes
- You lived in, immigrated from or traveled for an extended period in a country where hepatitis B is common
- You have HIV infection
- You have worked or lived in a prison
- You are a kidney dialysis patient

What are the symptoms of hepatitis B?

People with acute or chronic HBV may not have symptoms. When symptoms occur, they may include tiredness, fever, loss of appetite, nausea, headache, muscle soreness, pain near the liver and jaundice. Jaundice is yellowing of the skin and the whites of the eyes.

Symptoms often begin two to five months after infection. Symptoms usually last for several weeks, but can last up to six months.

- A safe, effective hepatitis B vaccine and a combination hepatitis A/hepatitis B vaccine are available.
- Vaccination is your best protection against infection.
- After three valid doses of hepatitis B vaccine, greater than 90% of healthy adults develop adequate antibody response to provide protection for life.
- Vaccination involves three injections over approximately six months. You must receive all three doses for full protection.
- Some health departments offer hepatitis B vaccine for free. Please see the backside of this pamphlet for information on the closest location.

Ways to Protect Yourself and Others

- Get vaccinated against hepatitis B.
- Do not have unprotected sex. Use condoms every time with sex partners.
- Do not share personal items like razors or toothbrushes. If you are diabetic, do not share monitoring or treatment devices.
- Do not allow your blood or body fluids to come into contact with others. Keep breaks in the skin such as cuts, sores or bites covered.
- Avoid contact with others' blood and body fluids.
- Do not share injection drug equipment like needles, syringes and cookers.
- Healthcare workers should follow standard precautions.

https://www.vdh.virginia.gov/epidemiology/immunization/documents/HBII/HepB_Vax_Referral_General_VDH.pdf

- Where do you get Hepatitis B Vaccine?
 - Local health departments in your area may provide free hepatitis B vaccine if you qualify as a high-risk adult. Your primary care physician may also have the vaccine.
 - To contact the health department in Virginia closest to you, visit:
<http://www.vdh.virginia.gov/lhd/>

Va. Code § 23-9.2:3.5 (2016) Education Programs on Economic Education and Financial Literacy

Virginia public colleges and universities shall make provisions for the promotion of the development of student life skills through the inclusion of the:
principles of economics education and financial literacy within an existing general education course, the freshman orientation process or other appropriate venue.

These principles may include, but need not be limited to,

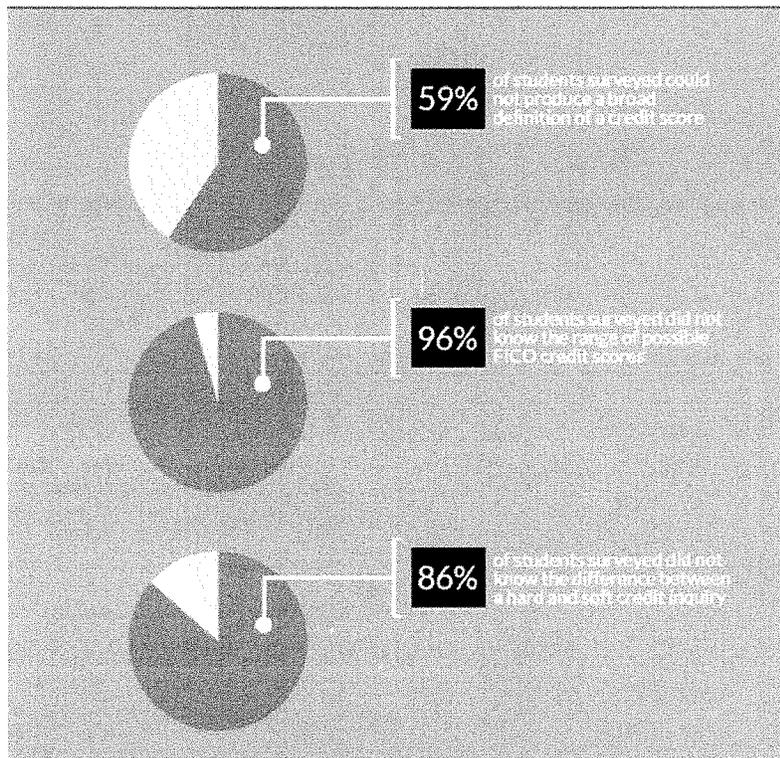
- instruction concerning personal finance, such as
 - credit card use,
 - opening and managing an account in a financial institution,
 - completing a loan application,
 - managing student loans,
 - savings and investments,
 - consumer rights and responsibilities,
 - predatory lending practices and interest rates,
 - consumer fraud,
 - identity theft and protection, and
 - debt management.

SCHEV shall also encourage private colleges and universities to include such principles as part of their student orientation programs.

College Students Know Nothing About Consumer Credit

March 2016

We surveyed 668 current college students to find out how much they know about consumer credit and the impact it has on financial decisions. Based on our responses, we can conclude that college students know virtually nothing about building and maintaining consumer credit and, generally, lack education surrounding consumer finances. You can find the key takeaways from our survey below:



86%

of students surveyed could not provide at least one way to improve a credit score

600



20%

of students surveyed reported that they would rather have a low credit score



65%

of students surveyed reported that they did not have a credit card in their own name



44%

of students surveyed could not provide one action that would negatively impact a credit score

Economic Education and Financial Literacy Resources

- http://www.doe.virginia.gov/testing/sol/standards_docs/economics_personal_finance/economics_personal_finance_sol.pdf
- http://www.doe.virginia.gov/testing/sol/frameworks/economics_personal_finance/economics_personal_finance_curriculum_frmwrk.pdf
- http://www.doe.virginia.gov/instruction/economics_personal_finance/professional_development/videos.shtml
- http://files.consumerfinance.gov/f/201509_cfpb_youth-financialeducation-curriculum-review.pdf

Va. Code § 22.1-275 (2016) Protective Eye Devices

Every student and teacher in any school, college, or university shall be required to wear industrial quality eye protective devices while participating in any of the following courses or laboratories:

1. Career and technical education shops or laboratories involving experience with:

- a. Hot molten metals,
- b. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials,
- c. Heat treatment, tempering, or kiln firing of any metal or other materials,
- d. Gas or electric arc welding,
- e. Repair of any vehicle, or
- f. Caustic or explosive materials;

2. Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

The governing board or authority of any ... private school or the governing body of each institution of higher learning shall furnish the eye protective devices prescribed in this section free of charge or at cost to the students and teachers of the school participating in such courses or laboratories; however, such devices may be furnished by parents or guardians of such students. Eye protective devices shall be furnished to all visitors to such courses.

"Industrial quality eye protective devices," as used in this section, means devices providing side protection and meeting the standards of the American Standards Association Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Inc.

Va. Code § 23-2.2. (2016) Reporting of Certain Students Issued Student Visas.

Each ... private two- and four-year institution of higher education in the Commonwealth and the governing board, president, or director of any correspondence school, postsecondary school, or proprietary career school, as defined in § 23-276.1, or flight school in the Commonwealth shall:

inform the Attorney General of the Commonwealth whenever a student who has been accepted for admission to such an educational institution pursuant to a student visa fails to enroll or who has been attending such an educational institution pursuant to a student visa and withdraws at such institution or violates the terms of his visa.

The notification shall contain all available information from the U.S. Immigration and Naturalization Service form I-20 and **shall be submitted not later than thirty days after the discovery of the reportable event.**

The Attorney General shall notify the U.S. Immigration and Naturalization Service and other appropriate national, state, and local agencies of any such failure to enroll, withdrawal, or student visa violations.

Institutional Crisis and Emergency Management Plan

Private two-year and four-year institutions of higher education, postsecondary schools, and proprietary career schools are encouraged to develop a institutional crisis and emergency management plan that will establish the operation of the school in the event of a crisis, and maintain emergency services, and disaster preparedness activities

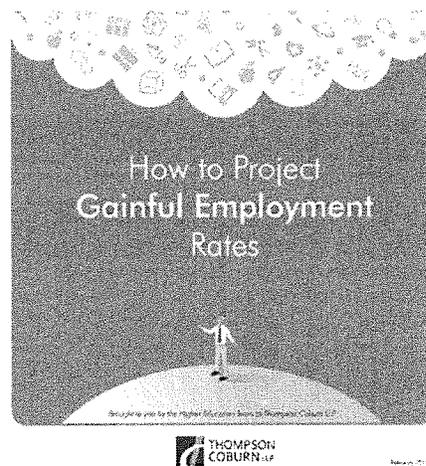
Required Comprehensive Plan for Closure and a Teachout Plan

- Va. Code § 23-276.16. (2016) School Closure Procedures.
- A **Comprehensive Plan for Closure and a Teachout Plan** will makes provision for
 - presently enrolled students to complete the program of instruction for which they have enrolled,
 - either at the school or
 - at another school certified by the Council or
 - authorized to operate in the Commonwealth.
 - The school shall obtain the Council's approval of the teachout plan prior to implementation.
- If there is no comparable program for the purposes of developing a teachout plan within 50 miles of the closing school or
 - if the closing school is unable to enter a teachout agreement with another school.
 - Then the school must notify SCHEV.
- Owners or senior administrators of a postsecondary school that closes without providing
 - an adequate teachout plan or refunds of unearned tuition and
 - appropriate preservation of records shall be denied certification to operate another postsecondary school in the Commonwealth.

8 Va. Admin. Code 40-31-280 Closure of a Postsecondary School

- Permanent records shall include the academic records of each student, which should include:
 1. Academic transcripts showing the basis of admissions, transfer credits, courses, credits, grades, graduation authorization, and student name changes for each student;
 2. Transcripts of financial aid for each student, if maintained;
 3. Foreign student forms for foreign students;
 4. Veterans Administration records for veterans;
 5. Copies of degrees, diplomas, and certificates awarded, if maintained;
 6. One set of course descriptions for all courses offered by the school; and
 7. Evidence of accreditation, if any, during the years covered by transcripts.

Gainful Employment



Gainful Employment Resources

- [https://www.thompsoncoburn.com/Libraries/Newsletters/Gainful Employment White Paper.pdf](https://www.thompsoncoburn.com/Libraries/Newsletters/Gainful%20Employment%20White%20Paper.pdf)
- <http://www.thompsoncoburn.com/news-and-information/tcle/past-presentations-webinars/gainful-employment.aspx>

SCHEV
James Monroe Building
101 North Fourteenth Street
Richmond, Virginia 23219



State Council of
Higher Education for Virginia

Phone: (804) 225-2600
Fax: (804) 225-2604
TDD: (804) 371-8017
Web: www.schev.edu

Application for New Program Approval

Institution Name:		Date Submitted:	
Institutional Accreditation Agency			
The Virginia campus location where the program will be offered. (Each branch campus requires a separate form)		←	
List all out-of-state campuses where the program is currently offered. (out-of-state institutions only)		←	
Program Title: (program name must adhere to the CIP taxonomy maintained by the National Center for Education Statistics)		←	
Classification of Instructional Program (CIP) code: http://nces.ed.gov/ipeds/cipcode/default.aspx?y=55		←	
This new Program conforms to the institutional accreditation:		YES <input type="checkbox"/>	NO <input type="checkbox"/>
The program will be offered in the following format:	→ Face-to-Face <input type="checkbox"/>	→ On-Line <input type="checkbox"/>	→ Hybrid <input type="checkbox"/>
	Is the institution accredited? YES <input type="checkbox"/> NO <input type="checkbox"/>	Accreditation Agency	

Degree or Credential to be Awarded

Degree or Credential Type: (Select One)

<input type="checkbox"/> Diploma	<input type="checkbox"/> Bachelor of Arts (B. A.)
<input type="checkbox"/> Certificate	<input type="checkbox"/> Bachelor of Science (B. S.)
<input type="checkbox"/> Associate of Applied Science (A. A. S.)	<input type="checkbox"/> Master of Arts (M. A.)
<input type="checkbox"/> Associate of Occupational Science (A. O. S.)	<input type="checkbox"/> Master of Science (M. S.)
<input type="checkbox"/> Associate of Science (A. S.)	<input type="checkbox"/> Doctoral (Ph.D)
<input type="checkbox"/> Associate of Arts (A. A.)	<input type="checkbox"/> Other:

Does the Institution currently award this level of degree or credential for other programs? YES NO

Program Duration		Total Instructional Hours		Program Cost	
<input type="checkbox"/> Clock Hours	number of hours	Classroom Hours		Tuition	
<input type="checkbox"/> Credit Hours	number of hours	Lab Hours		Registration Fee	
		Externship/Clinical Hours		Books and Materials	
		Total Hours		Other Costs	
Anticipated Start Date:				Total Program Cost	

Program Objective/Description: Provide anticipated student learning outcomes. (Include a statement demonstrating that the proposed program is consistent with the institution's stated purpose.)

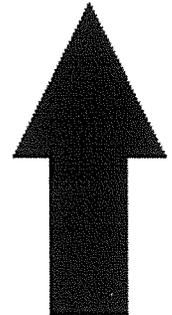


For Career-Technical Institutions Only

Faculty, if teaching technical courses for career-technical programs not leading to a degree and not offered as degree credit, must either (i) hold an associate degree from an accredited college or university in the discipline being taught or (ii) possess a minimum of two years of technical/occupational experience in the area of teaching responsibility or a related area. The instructor must hold the appropriate certificate or license in the field, if certification or licensure is required to work in the field.

Will all faculty members satisfy the above requirement?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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Mail form and company or cashiers' check, in the amount of \$100, made payable to the **Treasurer of Virginia**, to:
State Council of Higher Education for Virginia
ATTN: Private and Out-of-State Postsecondary Education
101 N. 14th Street, 9th Floor
James Monroe Building, Richmond VA 23219



SCHEV Use Only:

Date Received: _____ Date Processed: _____

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