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Regulatory
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Proposed Regulation Agency Background Document

Agency name	State Council of Higher Education for Virginia
Virginia Administrative Code (VAC) citation	8 VAC 40 -31
Regulation title	Regulations Governing the Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates
Action title	Provide rules and instructions for Institutions of Higher Education to obtain a Certificate to Operate in Virginia
Document preparation date	May 19, 2005

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

These regulations will be the primary document that the State Council of Higher Education for Virginia uses to administer the certification of private and out-of-state postsecondary schools and institutions of higher learning. The regulations define terms unique to school certification; identify the regulated community, exempted schools, and exempted degrees; establish certification criteria and procedures for application and appeal; and impose fees. These regulations supplant the previous process of approval in 8 VAC 40-30.

Basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The State Council of Higher Education for Virginia is granted explicit authority to promulgate regulations necessary to implement the provisions of Section 23-276.3 of the Code Virginia – “The State Council of Higher Education for Virginia shall adopt, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) such regulations as may be necessary to implement the provisions of this chapter.”

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

These regulations are needed to protect the welfare of students of private and out-of-state postsecondary schools and institutions of higher education. Students are protected by certification criteria that mandate disclosure of accurate information about postsecondary schools including admission requirements, graduation and employment statistics, tuition, fees, and degree requirements. The certification criteria also protect students from loss of tuition payments by imposing requirements on postsecondary schools for financial stability, surety instruments, and tuition refund policies. Setting minimum standards for faculty education and requiring a well-defined curriculum improve the quality of instruction available to students.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

These regulations replace the prior scheme of approval of institutions and degrees with a certification process. These regulations prohibit the award of diplomas or certificates and the use of terms such as “college” and “university” without certification from SCHEV. The regulations continue to provide exemptions for state-supported institutions, religious institutions, institutions regulated by other state agencies, honorary degrees, programs at United States military posts, and several other institutions and programs. Institutions have the right to appeal a denial of exemption from the council. The regulations establish the roles of the council, Executive Director, and council staff. The regulations require certification of all new and existing postsecondary schools not otherwise exempted. Certification is required to prior to engaging in educational activities regardless of whether they are by telecommunications, by mail, or at a site in the Commonwealth. Recertification is required annually.

Certification criteria for institutions of higher education include a quality curriculum, properly credentialed faculty, and a specified percentage of general education courses. Certification criteria for

vocational schools include properly credentialed faculty and conformance with applicable standards of training for the occupational field. Certification criteria for all postsecondary schools include requirements for (a) a comprehensive written statement providing certain basic information about the school; (b) a document detailing the powers and duties of the board, officers, administrators, and students (c) a policy document defining minimum standards for admission, (d) mandatory maintenance of student records; (e) provision of catalogs or brochures; (f) a process for establishing and reviewing the curriculum; (g) maintenance of records demonstrating financial stability and proper management; (h) a surety instrument; (i) a policy on faculty accessibility; (j) accuracy of information from recruitment personnel; (k) comparable content regardless of whether the program is in person, by telecommunication, or mail; (l) student access to a library; and (m) a tuition refund policy.

Schools must receive certification from SCHEV prior to operating in the Commonwealth. Schools must be authorized by the State Corporation Commission to transact business in Virginia. Schools must complete the application process within 180 days. Schools must apply to recertify at least 60 days prior to the expiration of the current certifications. Certification is not transferable if a school changes ownership. Each application must include (a) a certification that the school is in compliance with § 23-276.1 et seq. of the Code of Virginia; (b) a statement regarding the schools accreditation status; (c) a copy of the transacted surety instrument; (d) a checklist acknowledging full compliance with certification criteria; (e) a company check for fees; (f) a copy of the school's certificate from the State Corporation Commission; (g) if applicable, a copy of the authorization to operate in the school's home state; (h) a listing of contact information for all school sites; (i) a notarized statement regarding the involvement of any of the board in the operation of any other postsecondary school; and (j) a listing of all program offerings including the number of students in each program, the number of graduates, and the number of graduates reporting employment.

A school may withdraw an application for certification at any time without prejudice and may submit a new application. Schools are subject to audits by an audit review committee. Audits may be random, periodic, or for cause. The council may not consider whether the program is duplicative of any other program in the Commonwealth for purposes of certification. The council may not deny, suspend, or revoke a certification without notice of the action and the time and place of an informal fact-finding hearing. If the council finds sufficient evidence in the informal hearing, the school has a right to a formal hearing. The hearing officer must prepare a report of findings of fact and recommendations for the council. The council must review the report and issue a decision on the matter. Violation of these regulations may subject schools to criminal prosecution or civil enforcement. Virginia law applies to all agreements between schools and students.

The council may, on its own motion, authorize a school whose certification has been denied or revoked to continue to offer courses so that currently enrolled students may complete their programs. If a school voluntarily shuts down, it must inform the council of the date, the schools plans for maintenance of student records, and any arrangements for the continued education of current students.

The council may waive or modify certification requirements so long as there is no conflict with the intent of the regulations and the regulations create an unreasonable hardship on a school. The Virginia Freedom of Information Act applies to all material submitted by schools in their applications. The Executive Director must appoint a Director of the Student Guaranty Fund to investigate claims against the fund. Agents representing noncertified accredited postsecondary schools must register with the council and pay a fee. Agents may not conduct business on behalf of a noncertified, unaccredited postsecondary school.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

Students and the Commonwealth will benefit from increased financial protections and improved educational opportunities. The primary disadvantage will be the costs of certification to postsecondary schools in the form of fees and for measures required to bring the schools into compliance with certification criteria. Students may be disadvantaged by increased tuition and fees passed on from schools.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Administrative fee based action. All funding is NGF.
Projected cost of the regulation on localities	None
Description of the individuals, businesses or other entities likely to be affected by the regulation	All non state-funded postsecondary degree granting institutions and certain institutions that offer degree credit programs.
Agency’s best estimate of the number of such entities that will be affected	230 institutions (including branch campuses which must be certified separately).
Projected cost of the regulation for affected individuals, businesses, or other entities	\$6000 annually for unaccredited institutions. \$2500 annually for accredited institutions. \$1500 annually for vocational schools. \$300 every five years for religious institutions.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

No alternatives were considered because the State Council of Higher education is required by § 23-276.3 of the Code of Virginia to promulgate these regulations.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
<p>Elizabeth Tua, Director of Accreditations and Licensing, RCI Division, Corinthian Colleges, Inc.</p>	<ol style="list-style-type: none"> 1. It is possible that a college is “chartered” in one state and “established” in Virginia. Under the 8VAC40-31-10, a school of this type would be both an “in-state institution” and an “out-of-state institution.” 2. Section 8VAC40-31-140(A)(3)(a) requires that faculty teaching general education courses in a terminal occupational / technical program leading to an Associate of Applied Science or Associate of Occupational Science degree hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught. This will be a significant burden and is more stringent than any accrediting agency, and may justify at least a grandfather clause for faculty hired prior to the regulations. 3. Section 8VAC40-31-160(D)(4) requires that a school have an agreement with another school that is not corporately affiliated with it for the preservation of student records as well as access by students in the event of school closure or revocation of certification. It would be simpler to allow transfer of records to another school within the corporate organization and only require transfer outside the corporate organization in 	<ol style="list-style-type: none"> 1. Under the definitions in 8VAC40-31-10 (see “in-state institution” and “out-of-state institution”), an out-of-state institution is any one that is “formed, chartered, established, or incorporated” outside of Virginia. However, an out-of state institution is deemed an in-state institution for purposes of certification unless it has no instructional campus in the jurisdiction it was formed, chartered, established, or incorporated and it produces clear and convincing evidence that its main or principal campus is located in Virginia. 2. It is important to maintain high standards for those teaching general education courses; the requirement is retained. Since the requirement has been in effect by emergency regulation for at least two years, no exceptions for faculty hired prior to these regulations will be allowed. 3. The requirement as written does not require transfer of records to an unrelated school in the case of the closure of a branch campus. Should such a closure occur, and the corporation ceases to exist, then the requirement for transfer of records to an unrelated school would be enforced. The requirement for an agreement with an unrelated school is retained. 4. The suggested language was added. 5. The section was amended to read –academic year or portion thereof.”

Commenter	Comment	Agency response
	<p>the event that all schools owned by the corporation in the state close.</p> <p>4. Section 8VAC40-31-14-(M)(1) states that all funds remitted must be returned to the student if the student is not admitted, does not enroll, does not begin the program or course, withdraws, or is dismissed. Under this policy any student who withdraws or is dismissed for violations of policy would be entitled to all of the tuition paid. The section should be amended so that it applies only to students who withdraw or are dismissed prior to the start of the program.</p> <p>5. Section 8VAC40-31-14-(M)(10) makes reference to refunds for “each year or portion thereof.” This language will be complicated to implement since financial aid is based on an “academic year.”</p>	
<p>Nicholas H. Allen, Provost and Chief Academic Officer, University of Maryland University College.</p>	<p>It is difficult for some branches of state-supported public schools originating in a state other than Virginia to identify schools who will contract to maintain their records as required by section 8VAC40-31-160(D)(4). Under the current regulations, if a branch in Virginia closes, the records would be sent to another school rather than the university system of the state where the school originated.</p>	<p>8VAC40-31-160(D) was amended by adding subsection (D)(5): “State-supported, public schools originating in a state other than Virginia and operating a campus within Virginia, may choose to enter into a written, binding agreement regarding records, with the university system of which they are a part.</p>
<p>Jennifer L. McClure, Director of Licensing & Government Relations, DeVry, Inc.</p>	<p>8VAC40-31-160(M)(2) states, “a school may require the payment of a nonrefundable, initial fee not to exceed \$10050.” Commenter believes that the amount is incorrect and should be either \$100 or \$50.</p>	<p>The error was corrected by changing the amount from “\$10050” to - \$100-.</p>

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There will be negligible impact on the institution of the family and family stability in general. However, the regulations are intended to provide additional consumer protections for students and families by adding approval standards related to the maintenance of student records, requiring surety protection for tuition, and requiring institutions to certify that they meet the Council's standards.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

The pre-emergency regulations, Chapter 30 (8VAC 40-30-10 et seq.), are repealed in their entirety. The new regulations, Chapter 31 (8VAC 40-30-10 et seq.) do not provide a section-for-section replacement of the pre-emergency regulations. Thus, a comparison of the pre-emergency regulations with these proposed regulations is not provided.

Current section number (Emergency)	Proposed new section number, if applicable	Current requirement (Emergency)	Proposed change and rationale
8VAC40-31-10. Definitions.	8VAC40-31-10. Definitions.	The section gives definitions of terms in the chapter.	<ul style="list-style-type: none"> • Definitions for “academic credit” and “academic vocational” are omitted. Definitions for “credit,” “credit hour,” and “unearned tuition” are added. • In the definitions for “branch,” “course registration material,” “full time faculty,” “instructional faculty,” and “part time faculty,” the term “institution” is replaced with - school-. • The definition of “certification” is changed so that it applies to –private or out of state postsecondary schools- and –certificate or diploma” programs as well as “institutions of higher education and/or degree program[s].” • The definition for “contact hour” (and now also -clock hour-) is changed to remove the reference to “the basic unit of attendance” and changes the applicable period from “50 minutes of scheduled instruction and/or

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			<p>examination” to –50 minutes of supervised or directed instruction and appropriate breaks-</p> <ul style="list-style-type: none"> • The definition for “diploma or certificate” is changed by deleting the following language: “applies only to those awards given for coursework offered within Virginia by institutions of higher education which are appropriately approved to offer, either within the Commonwealth or outside the Commonwealth, degrees at the associate, baccalaureate, graduate, or professional level.” • The definition of “in-state institution” is changed so that all out of state institutions rather than just those incorporated outside of Virginia may be considered as in-state institutions. • The definition of “postsecondary school” is corrected by adding the language “any entity offering” certain programs rather than by defining the school as the program itself. • In the definition of “proprietary”, “for-profit” is replaced with –profit making-
8VAC40-31-20(C)&(E). Prohibited Acts.	8VAC40-31-20(C)&(E). Prohibited Acts.	These subsections prohibit institutions from representing that credits earned are applicable toward a degree except in accordance with this chapter and allow the council to refuse to certify misleading names of institutions.	The terms “institution” and “institution’s” have been replaced with -school- and -school’s-.
8VAC40-31-30. Advertisements, announcements, and other promotional	8VAC40-31-30. Advertisements, announcements, and other promotional	This section requires that “out of state schools” include certain information in its course registration materials and prohibits institutions from representing in any material that they are supervised, endorsed, accredited, or	The phrase “An out-of-state school” was replaced with -A school with its main campus not located in Virginia that has a physical presence in Virginia-. The terms “institution” and “institution’s” were replaced with -school- and -schools-.

Current section number (Emergency)	Proposed new section number, if applicable	Current requirement (Emergency)	Proposed change and rationale
materials.	materials.	recommended by any state agency.	
8VAC40-31-50. Religious Institutions.	8VAC40-31-50. Religious Institutions.	The section provides a limited time exemption to religious <i>institutions</i> subject to certain conditions.	All occurrences of the term “institution” are replaced with -school-. The last subsection “E” was re-titled -F-. The previous version had two subsection “E”s.
8VAC40-31-60. Institutions, programs, degrees, diplomas, & certificates exempt by council action.	8VAC40-31-60. Schools, programs, degrees, diplomas, & certificates exempt by council action.	The section provides 11 specific exemptions from certification for institutions for certain types of programs and degrees.	The term “institution” was replaced by -school- wherever it appeared in the specific exemptions. The exemption (5) for professional programs was expanded to include programs subject to approval by any state or federal agency or if the school is not seeking degree-granting status. The exemption (8) for postsecondary courses provided on a contractual basis with no charge for tuition is narrowed so that only schools that are accredited by some accrediting entity recognized by the U.S. Department of Education are exempt.
8VAC-40-31-70. Denial of exemption; Appeal of action.	8VAC-40-31-70. Denial of exemption; appeal of action.	The section provides the right to a hearing for an <i>institution</i> if the council denies a request for an exemption.	The term “institution” is replaced with -school-.
8VAC40-31-80. Role of the Council.	8VAC40-31-80. Role of the Council.	The section defines the role of the council and makes reference “§ 23-276.1 through § 23-276.12.”	The code reference is changed to -§ 23-276.1 et seq.-
8VAC40-31-90. Role of the Executive Director.	8VAC40-31-90. Role of the Executive Director.	The section defines some administrative responsibilities of the executive director. The section uses the term “institution.”	All occurrences of the term “institution” are replaced with -school-. Identification of the first subsection as “A” removed as there was only one subsection.
8VAC40-31-100. Role of the Council Staff.	8VAC40-31-100. Role of the Council Staff.	The section defines the role of the council staff. The section uses the term “institution” and makes reference to “§ 23-276.1 through § 23-276.12.”	All occurrences of the term “institution” are replaced with -school-. Identification of the first subsection as “A” removed as there was only one subsection. The code reference is changed to -§ 23-276.1 et seq.- The superfluous language “and chapter” was deleted.
8VAC40-31-110. Certain existing	8VAC40-31-110. Certain existing	The section allows <i>institutions of higher education</i> with existing approvals to confer	In subsection B, the phrase “institution of higher education” is shortened to -institution-. There is no

Current section number (Emergency)	Proposed new section number, if applicable	Current requirement (Emergency)	Proposed change and rationale
approvals & exemptions continued.	approvals & exemptions continued.	degrees to continue to confer degrees unless that approval is revoked.	change in meaning since the terms have identical definitions per 8VAC40-31-10.
8VAC40-31-120. Certification required for new and existing postsecondary schools.	8VAC40-31-120. Certification required for new and existing postsecondary schools.	The section requires new and existing postsecondary schools to be certified prior to engaging in covered activities whether by telecommunications or at a site in Virginia.	The new section adds –mail correspondence courses- to the types of courses requiring certification.
8VAC40-31-140. Certification criteria for institutions of higher education.	8VAC40-31-140. Certification criteria for institutions of higher education.	The section sets certification criteria for institutions of higher education including the percentage of general education courses required for each level of degree. It also requires instructors to hold a degree of a certain level depending on the level of the course taught or to have experience.	The new section increases the required percentage of general education courses at the Associate of Occupational Science level from 10% to 15%. The new section requires that required instructor degrees to be: -from an accredited college or university-.
8VAC40-31-150. Certification criteria for vocational schools.	8VAC40-31-150. Certification criteria for vocational schools.	The section sets certification criteria for vocational schools including curricular requirements and requires that instructors hold associate degrees or have experience.	The new sections require that the associate degree required for instructors be -related to the area of instruction-.
8VAC40-31-160. Certification criteria for all postsecondary schools.	8VAC40-31-160. Certification criteria for all postsecondary schools.	The section sets certification criteria for all postsecondary schools including requirements for (A) a written comprehensive statement with 6 specific elements, (B) a written document describing the powers and duties of the board, officers, administrators and students, (C) a written policy defining admissions requirements with 4 specific elements, (D) maintenance of student records, (E) a catalog or brochure with 11 specific elements, (F) a process for determining curricula, (G) documentation of financial soundness, (H) maintenance of a surety instrument, (I) a written policy for faculty accessibility, (J) accuracy of information, (K) quality of non-residential programs, (L) a library, and (M) a tuition refund policy.	5 elements relating to enrollment, graduation, and employment are added to statement of subsection (A). 1 element relating to grievances is added to the policy document of subsection (C) and the schools are required to provide the document to all applicants. Subsection (D) is amended to define a 5-year retention period for student records. Also, subsection (D) is amended so that state supported public schools may enter into agreement with the university system of which they are a part for the purpose of maintaining student records in the event of closure or revocation of certification. (Schools that do not fit this exception must contract with another school with whom they are not corporately connected. 4 elements are added to the catalog of subsection (E) regarding the number of students

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			<p>enrolled, the number that graduate, and the corresponding graduation percentage, and accurate information regarding the transferability of diplomas or certificates. The existing financial aid element of subsection (E) is expanded to include the percentage of students receiving federal aid and the average student debt at graduation. The existing placement and employment element of subsection (E) is expanded to include the number of students reporting employment in their field of study at 6 months and 1 year after graduation. The citation in subsection (I) to USDE stability requirements is corrected to § 160.H from § 140.I. The surety instrument requirement of subsection (H) is amended to provide an exemption to “public postsecondary schools originating in another state and have a branch or site in Virginia. The tuition refund policy requirement of subsection (M) is amended to require adherence to the tuition refund requirements of their accrediting body if required. The tuition refund policy requirement is amendment of subsection (M) is amended to require full refund (minus a nonrefundable portion) of tuition if the student withdraws or is dismissed prior to the start of the program. The tuition refund policy requirement of subsection (M) is amended to require that institutions providing a majority of their programs through distance learning have a plan for student termination which is provided to SCHEV for review with annual certification or recertification applications. In several of the subsections of this section, the term “institution” has been replaced with -school-.</p>
8VAC40-31-170. Initial certification.	8VAC40-31-170. Initial certification.	The section prohibits institutions from using of the term “college” or “university” without acknowledgment from SCHEV that the name does not violate regulations. The section requires schools to notify SCHEV of proposed	The term “institution” is replaced with –school- in several subsections. A requirement is added that schools complete the application process within 180 days or the council will withdraw the application, and the application fee will be refunded minus a handling

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		name prior to submission to the State Corporation Commission (SCC) and requires that institutions have authorization from the SCC to transact business in Virginia prior to certification. The section prohibits operation of institutions in Virginia without certification, and prohibits certified institutions from entering into agreements with uncertified institutions. The section details certification expiration dates and recertification deadlines for the various types of institutions. The section requires recertification of an institution when there is a change of ownership.	charge of \$300.
8VAC40-31-180. Application requirements.	8VAC40-31-180. Application requirements.	The section sets requirements for the information that must be included in an application including a completed form, a statement of accreditation status, a copy of the transacted surety instrument form, a checklist and notarized statement acknowledging compliance with certification criteria, a company check, a copy of the institutions certificate from the SCC, a copy of an out of state school's authorization to operate in the state where its main campus is located, a listing of all sites with contact information, a statement setting forth the involvement of any member of the school's board in the operation of another postsecondary school, a list of all diploma or certificate programs offered, and evidence of a valid business license.	The term "institution" is replaced with –school- in several subsections. The requirement that "For out-of-state institutions, a copy of the institution's authorization to operate from the state agency in which its main campus is domiciled" has been modified to apply to -schools whose main campus is not in Virginia- rather than only out-of-state schools. The requirement to provide a statement setting forth board members' involvement in other postsecondary schools has been expanded to include disclosure of any criminal convictions or civil penalties levied by a legal entity against any school they were affiliated with. The requirement to list all diploma or certificate programs is expanded for renewing schools to include the number of degrees of each type awarded, the number of students graduating and the number enrolled, and follow-up employment information from graduates. The section adds a new requirement that when a branch campus or site is under different ownership or has a different name than the main campus, the branch or site must apply for certification and pay the certification fee.
8VAC40-31-190. Withdrawal of	8VAC40-31-190. Withdrawal of	The section allows withdrawal of any application for certification by an institution without	The term "institution" was replaced with –school-.

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application by a postsecondary school.	application by a postsecondary school.	prejudice at any time and file a new one.	
8VAC40-31-200. Audit requirements.	8VAC40-31-200. Audit requirements.	The section requires periodic audits of institutions, sets the composition of the audit committee, defines triggers for audit, requires a report, and lists action that the council may take based on the findings of the report.	The term “institution” was replaced with –school-.
8VAC40-31-220. Procedural rules for the conduct of fact-finding conferences and hearings (§ 2.2-4019 thru 2.2-4030 of the Code of Virginia).	8VAC40-31-220. Procedural rules for the conduct of fact-finding conferences and hearings (§ 2.2-4019 thru 2.2-4030 of the Code of Virginia).	The section requires that no certification can be denied, suspended, or revoked without notice of the proposed action and the time and place of a hearing. The section provides for formal and informal conferences and sets requirements for appearance and conduct. The section also requires a written statement and recommendation to be prepared and that the council render a decision based on the recommendation.	The term “institution” was replaced with –school-.
8VAC40-31-240. Civil enforcement.	8VAC40-31-240. Civil enforcement.	The section allows the council to seek an injunction against schools violating the regulations regardless of any remedy available at law.	The term “institution” was replaced with –school-.
8VAC40-31-260. Fees.	8VAC40-31-260. Fees.	The section specifies the location of fee amounts, where they are deposited; that they are non-refundable, and that they must be by company check payable to the Treasurer of Virginia.	The nonrefundable “reasonable handling charge” associated with the withdrawal of an application is specified to be \$300.
8VAC40-31-270. Receipt of applications, correspondence and other materials.	8VAC40-31-270. Receipt of applications, correspondence and other materials.	The section specifies the mailing address for correspondence and states that mailing of items does not constitute receipt by SCHEV unless sent by registered or certified mail, return receipt requested.	The address is modified from “ATTN: Institutional Certification” to –ATTN: Private and Out of State Postsecondary School Certification-.
8VAC40-31-280. Closure of a postsecondary school.	8VAC40-31-280. Closure of a postsecondary school.	The section allows the council to allow a school whose application has been denied or revoked to continue to offer programs to current students to complete their programs. It specifies a	The term “institution” was replaced with –school-.

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		school's duties when it ceases operation voluntarily.	
8VAC40-31-290. Waiver by council	8VAC40-31-290. Waiver by council	The section allows the council to waive certification requirements for accredited institutions.	The term "institution" was replaced with –school-.
8VAC40-31-300. Freedom of Information Act to apply.	8VAC40-31-300. Freedom of Information Act to apply.	The section says that all application materials submitted by a school are subject to FOIA.	The term "institution" was replaced with –school-.
8VAC40-31-310. Student Tuition Guaranty Fund (proprietary schools only).	8VAC40-31-310. Student Tuition Guaranty Fund.	The section requires the Executive Director to appoint a Director of the Fund, provides the purpose of the Fund, provides exemptions to schools seeking initial certification after July 1, 2004, defines timeliness of claims against the fund, gives the director investigatory authority	The term "institution" was replaced with –school-. The words "(proprietary schools only)" are deleted from the sections title.