



Application for Certification Exemption

■ Before You Complete This Form — Read the Guidance Document First

This application must be completed in accordance with SCHEV's **Guidelines and Approval Process for Exemption from Certification for Postsecondary Schools Otherwise Subject to Regulation** (the "Guidelines"). That document explains each exemption category in plain language, defines key terms, and lists what qualifies — and what does not. The Guidelines are available at: ppe.schev.edu

- Review Section III (Definitions) and Section IV (Qualifying Exemptions) before selecting an exemption category in Section II below.
- If you are unsure which exemption applies, re-read the Guidelines. SCHEV does not provide informal eligibility opinions by phone or email. Submitting this form without reading the Guidelines increases the likelihood that your application will be denied.

Form must be typed — handwritten forms will be returned.

Legal Requirement

Pursuant to the *Code of Virginia*, § 23.1-219(A)(3), without obtaining SCHEV certification or an exemption determination, no entity may offer degrees, courses for degree credit, programs of study leading to a degree, or non-degree courses — at a site or via distance learning — within the Commonwealth of Virginia. **Pursuant to § 23.1-228, violations of this article or the Council's implementing regulations are punishable as a Class 1 misdemeanor.**

I. General Information

Institution or Organization Name

Date

Chief Executive Officer (Full Name)

Job Title

Street Address

City

State

ZIP Code

Phone

Official Website (URL)

Virginia Contact Person

First Name

Last Name

Job Title

Phone Number

Email

Virginia Contact Address (if different from above)

Street Address

City

State

ZIP Code

II. Qualifying Exemptions from Certification

Check the single box that best describes your program and attach all required documentation. Incomplete applications will be returned unprocessed. Attach additional sheets as needed.

☐ **Exemption 1:** Programs Approved by a Regulatory Board or Government Agency

Legal authority: § 23.1-226(B)(3)

Required documentation:

- School name.
- Program name(s).
- A current copy of the certificate, license, letter, or other document showing approval by a Virginia regulatory board (Title 54.1) or qualifying state/federal agency.
- Contact person, address, email, and phone number of the office enforcing the applicable state or federal law.

■ *An approval issued solely by another state outside Virginia does not qualify. The approving agency must have regulatory oversight authority in the Commonwealth.*

☐ **Exemption 2:** Continuing or Professional Education by a Qualifying Organization

Legal authority: § 23.1-226(B)(4)

Required documentation:

- Program name(s).
- A statement explaining how the course or program meets the definition of 'continuing or professional education' as defined in the Guidelines (Section III).
- A statement explaining how the entity qualifies as a professional body, fraternal organization, civic club, or benevolent order as defined in the Guidelines (Section III).

☐ **Exemption 3:** Courses Offered Through Approved Multistate Compact

Legal authority: § 23.1-226(B)(5)

Required documentation:

- Program name(s).
- A current copy of the multistate compact approval.

☐ **Exemption 4:** Contract-Only Training — Business-to-Business

Legal authority: § 23.1-226(B)(6)

Required documentation:

- Program name(s).
- A notarized affidavit from the organization stating: (a) courses are provided solely on a contractual basis; and (b) no tuition is collected from individual students.
- A notarized statement confirming that no advertising will be made to solicit or enroll students from the general public.

■ *Contractual does NOT mean the student pays tuition and is later reimbursed by the employer. All fees must be paid directly by the contracting business.*

☐ **Exemption 5:** Trade Association Courses on Related Subjects

Legal authority: § 23.1-226(B)(7)

Required documentation:

- Program name(s).
 - A statement explaining how the entity meets the definition of 'trade association' as defined in the Guidelines (Section III).
 - A statement explaining how the course or program content is directly related to the trade, business, or profession represented by the association.
 - A notarized affidavit from the provider stating that no students other than members of the association will be solicited or enrolled.
- ■ *Using words such as 'association,' 'academy,' 'institute,' or 'organization' in your entity's name does not qualify it as a trade association.*

☐ **Exemption 6A:** Tutorial Instruction — Supplemental K–12 Academic Instruction

Legal authority: § 23.1-226(B)(9)(i)

Required documentation:

- Title(s) of courses or programs for which students will receive tutorial instruction.
- A statement describing the purpose of the instruction (supplemental academic support for students enrolled in a public or private primary or secondary school).

☐ **Exemption 6B:** Tutorial Instruction — Preparation for Professional Practice or Higher Education Exams

Legal authority: § 23.1-226(B)(9)(ii)

Required documentation:

- Name of exam(s) for which students will receive tutorial instruction.
 - A statement describing the purpose of the exam and confirming it is required for admission to an undergraduate/graduate program or for entry into a licensed professional field.
- ■ *Information Technology occupations are generally not considered licensed professions for this exemption. IT certification prep courses typically do not qualify here — see Exemption 10 for Agile/Scrum courses.*

☐ **Exemption 6C:** Tutorial Instruction — Proficiency or Maintenance Exams for Experienced Practitioners

Legal authority: § 23.1-226(B)(9)(iii)

Required documentation:

- Name of exam(s) for which students will receive tutorial instruction.
 - A copy of any webpage or advertisement used to solicit or enroll students.
 - A statement describing the purpose of the exam and confirming the instruction is limited to exam preparation for experienced practitioners, not initial occupational training.
- ■ *This exemption does not apply to courses designed to prepare individuals for initial entry into an occupational field.*

☐ **Exemption 7:** Scrum, Kanban, or Other Agile-Based Certification Courses

Legal authority: § 23.1-226(B)(10)

Required documentation:

- Course or program name(s).
- Name of the recognized third-party certifying body associated with the course.
- The number of instructional hours in the course and the number of hours required by the certifying body for the associated certification — course hours must not exceed the certifying body's requirement.
- A statement confirming no degree or degree credit is awarded.
- A statement confirming the course is limited to Agile-based content and does not constitute a broader IT, software engineering, or workforce development program.



Exemption 8: Non-Profit Employee Training (No Charge, No Open Enrollment)

Legal authority: 8VAC40-31-60(A)(3), Virginia Administrative Code

Required documentation (attach to application):

- Program name(s).
- A notarized affidavit from the organization stating: (a) no students other than employees will be solicited or enrolled; (b) the employer will bear all costs; and (c) employees will not be required to reimburse the employer in any form.
- Samples of any internal advertising used to recruit participants, or a statement that no advertising will be used.



Exemption 9: Fine Arts or Avocational Courses (Personal Enrichment Only)

Legal authority: 8VAC40-31-60(A)(4), Virginia Administrative Code

Required documentation (attach to application):

- Course name(s), content description, length, and cost.
 - A statement of course objectives explaining how the subject matter is avocational or recreational in nature.
 - Description of the intended student audience (e.g., children, general public, hobbyists).
 - Copies of advertising including a disclosure that courses are offered for avocational purposes only.
- ■ *If a course is marketed as preparing individuals for employment, licensure, or commercial work, it is vocational in nature and subject to certification requirements.*



Exemption 10 — Religious or Theological Education: Different Application Required

Schools seeking exemption under § 23.1-226(C) / 8VAC40-31-50 (religious or theological education) must NOT use this form. Instead, submit the **Request for Name Acknowledgement for Religious Exempt Institutions** and the **Institutional Application for Religious Exemption** available at: ppe.schev.edu/ppe-forms-and-regulations

III. Virginia Business Authorization

Are you currently authorized to transact business in the Commonwealth of Virginia?

☐ Yes ☐ No

If Yes, attach a copy of the SCC authorization and the Commonwealth of Virginia Certificate of Assumed or Fictitious Name (Form CC-1050) previously filed with the entity's local Clerk of Court, if applicable.

IV. Processing and Submission Instructions

Application fee:	Company check, money order, or certified bank check payable to the Treasurer of Virginia in the amount of \$350.00 . Fees are non-refundable. Personal checks cannot be accepted.
Mail completed application to:	State Council of Higher Education for Virginia ATTN: Private Postsecondary Education James Monroe Building, 10th Floor 101 North Fourteenth Street Richmond, VA 23219-3659
Processing and Approval:	Within 30 business days of receipt of a complete application, an official decision letter will be emailed to the Virginia Contact Address provided in Section I. Incomplete applications will not be processed.
Questions:	ppe@schev.edu

V. Statement of Compliance

Please read carefully before signing

By signing below, I certify that I am an authorized representative of the institution or organization named in this application, and that the information provided on this form and in all attached documentation is true, complete, and accurate to the best of my knowledge.

I understand that:

- Operating a postsecondary school in Virginia without a Certificate to Operate or an approved exemption is a violation of Virginia law.
- Approval of an exemption is not automatic and does not take effect until SCHEV issues a written approval letter.
- SCHEV may revoke an exemption if the information provided in this application is found to be false, incomplete, or if the program no longer meets exemption requirements.
- It is my responsibility to notify SCHEV of any material changes to the program or organization that may affect exemption status.

Signature of Authorized Official

Printed Name

Job Title

Date

Phone

Email