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State Board Approval of Postsecondary Programs

Excerpt of Vermont Statutes effective July 1, 2011:

TITLE 16 SECTIONS 176 - 177

§ 176. POSTSECONDARY SCHOOLS CHARTERED IN VERMONT

(a) Applicability. Except as provided in subsection (d) of this section, any postsecondary school that operates primarily or exclusively in the state of Vermont is subject to this section.

(b) Definitions. As used in this section:

(1) "Postsecondary school" means any person who offers or operates a program of college or professional education for credit or a degree and enrolls or intends to enroll students.

(2) "Offer" includes the use in the name of an institution or in its promotional material, of a term such as "college," "university," or "institute" that is intended to indicate that the business it is an institution that offers postsecondary education.

(3) "Degree" means any award that is given by a postsecondary school for completion of a program or course and that is designated by the term degree, associate, bachelor, baccalaureate, masters, or doctorate, or any similar award that the state board includes by rule.

(4) "Operate" means to establish, keep, or maintain any facility or location from or through which education is offered or given, or educational degrees are offered or granted. The term includes contracting with any person to perform any such act.

(5) "Accredited" means accredited by any regional or, national, or programmatic institutional accrediting agency recognized by the U.S. Department of Education.

(c) State board approval.

(1) Every postsecondary school that is subject to this section shall:

(A) apply for a certificate of approval from state board prior to registering its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(B) apply for and receive a certificate of approval from the state board prior to offering postsecondary credit-bearing courses or programs and prior to admitting the first student; and

(C) provide written notification to each applicant for admission or enrollment, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable at the discretion of the receiving school.

(2) Every postsecondary school shall secure a certificate of degree-granting authority from the state board before it confers or offers to confer a degree.

(d) Exemptions. The following are exempt from all the requirements of this section except for the requirements of subdivision (c)(1)(C) of this section:

(1) Programs of education sponsored by a trade, labor, business, or professional organization:

(A) that are conducted solely for that organization's membership or for members of the particular industries or professions served by that organization

(2) The University of Vermont and the Vermont State Colleges.

(3) Postsecondary schools currently licensed or approved by a Vermont state occupational licensing board.

(4) Postsecondary schools that are accredited. The following postsecondary institutions are accredited, meet the criteria for exempt status, and are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate:

Bennington College, Burlington College, Champlain College, College of St. Joseph, Goddard College, Green Mountain College, Landmark College, Marlboro College, Middlebury College, New England Culinary Institute, Norwich University, Saint Michael's College, SIT, Southern Vermont College, Sterling College, Vermont College of Fine Arts, and Vermont Law School. This authorization is provided solely to the extent necessary to ensure institutional compliance with federal financial aid-related regulations, and it does not affect, rescind, or supersede any preexisting authorizations, charters, or other forms of recognition or authorization.

(5) Nondegree-granting and noncredit-granting postsecondary schools that offer only training in specific trades or vocations.

(6) Religious instruction that does not result in earning credits or a degree.

(e) Issuance. On proper application, the state board shall issue a certificate of approval or a certificate of degree-granting authority, or both, to an applicant whose goals, objectives, programs, and resources, including personnel, curriculum, finances, and facilities, are found by the state board to be adequate and appropriate for the stated purpose and for the protection of students and the public interest. The certificate shall be for a term not exceeding five years. The certificate may be subject to conditions, terms, or limitations.

§ 176a. POSTSECONDARY SCHOOLS NOT CHARTERED IN VERMONT

(a) Applicability. Except as provided in subsection (e) of this section, a postsecondary school that operates primarily outside the state of Vermont, offers or operates a program of college or professional education for credit or a degree, and wishes to operate in Vermont is subject to this section and to subsections 176(g) through (l) of this title.

(b) Definitions. All words and phrases defined in section 176 of this title shall have the same meanings in this section.

(c) Requirements. A postsecondary school subject to this section shall:

(1) register its name with the secretary of state pursuant to Title 11, Title 11A, or Title 11B;

(2) secure accreditation by any regional, national, or programmatic institutional accrediting agency recognized by the U.S. Department of Education;

(3) apply for and receive a certificate of approval or a certificate of degree-granting authority or both pursuant to subsection 176(e) of this title prior to offering postsecondary credit-bearing courses or programs, admitting the first student, or conferring or offering to confer a degree to a student enrolled in its Vermont school;

(4) meet any requirements for approval in its state of primary operation for the specific degree or credit-bearing course or program that it intends to offer in Vermont;

(5) register with the department of education pursuant to state board rule; and

(6) provide written notification to each applicant for admission or enrollment, on an application, enrollment, or registration form to be signed by the applicant, that credits earned at the school are transferable at the discretion of the receiving school.

(d) Renewal. After receiving initial approval, a postsecondary school subject to this section shall register annually with the state board of education by providing evidence of accreditation and approval by the state in which it primarily operates and any other documentation the board requires. The state board may refuse or revoke registration at any time for good cause.

(e) Exemptions. The following are exempt from the provisions of this section:

(1) Programs of education sponsored by a trade, labor, business, or professional organization that are conducted solely for that organization's membership or for members of the particular industries or professions served by that organization;

(2) Postsecondary schools currently licensed or approved by a Vermont occupational licensing board.

(3) Nondegree-granting or noncredit-granting postsecondary schools that offer only training in specific trades or vocations.

(4) Religious instruction that does not result in earning credits or a degree.

(5) Programs of education offered solely via correspondence, the

Internet, or electronic media, provided that the postsecondary school has no physical presence in Vermont. Evidence of a “physical presence” includes the existence of administrative offices, seminars conducted by a person who is physically present at the seminar location, the provision of direct services to students, and required physical gatherings.

§ 177. POSTSECONDARY APPROVAL; FEES

(a) A postsecondary school subject to section 176 of this title shall pay:

- (1) a fee of \$4,000.00 for an application for approval to offer credit-bearing courses;
- (2) a fee of \$5,000.00 for an application for degree-granting authority if the postsecondary school is approved to offer credit-bearing courses; and
- (3) a fee of \$7,500.00 if the school seeks approval under subdivisions (1) and (2) of this subsection simultaneously.

(b) If a postsecondary school that is subject to section 176 of this title and is operating within an unexpired certification period files an application to offer a new degree at the same level as a degree previously approved by the state board, then the fee shall be based upon the actual costs to the department but shall not be less than \$1,000.00 for each new degree.

(c) A postsecondary school subject to section 176a of this title shall pay:

- (1) the fees set forth in subsection (a) of this section for initial review and approval pursuant to subdivision 176a(c)(3) of this title;
- (2) a fee of \$1,000.00 for initial registration with the department pursuant to subdivision 176a(c)(5) of this title; and
- (3) an annual fee of \$500.00 to renew its registration to operate in Vermont pursuant to subdivision 176a(d) of this title.

(d) Fees assessed under this section are not refundable.

(e) Fees assessed under this section shall be credited to a special fund established and managed pursuant to chapter 7, subchapter 5 of Title 32, and shall be available to the department to offset the costs of approval.