

January 9, 2007

2007-R-0023

**EXEMPTIONS FROM THE HIGHER EDUCATION LICENSING
PROCESS FOR RELIGIOUS COLLEGES**

Virginia

8 VAC §40-30-50

A. This chapter shall not apply to any institution of higher education whose primary purpose is to provide religious training or theological education, provided that the institution:

1. Awards only degrees, diplomas, or certificates (i) whose titles indicate the institution's primary purpose plainly upon their face and (ii) which state that the institution is excluded from the requirement of state approval; and
2. States plainly in its catalogs and other publications that (i) the institution's primary purpose is to provide religious training or theological education, (ii) the institution's degrees, diplomas, or certificates are so titled and worded, and (iii) the institution is exempt from the requirement of state approval.

B. The title of each degree, diploma, or certificate awarded by an institution that claims an exemption under the provisions of this section must reflect that the institution's primary purpose is religious education.

1. The titles of religious degrees that may be awarded include, but are not limited to, (i) Bachelor of Christian Education, (ii) Master of Divinity, and (iii) Doctor of Sacred Theology.
2. The titles of "secular" degrees that may not be awarded in any discipline, including religion, Christian education, and biblical studies, are (i) Associate of Arts, (ii) Associate of Science, (iii) Associate of Applied Science, (iv) Associate of Occupational Science, (v) Bachelor of Arts, (vi) Bachelor of Science, (vii) Master of Arts, (viii) Master of Science, (ix) Doctor of Philosophy, and (x) Doctor of Education.

C. An institution which complies with all of the provisions of subsection A of this section may state in writing to the director of the council that the institution is exempt from the provisions of Chapter 21 (§ 23-265 et seq.) of Title 23 of the Code of Virginia and this chapter. Upon recognition of the institution's claim by the director of the council, the institution thereafter shall not be required to submit to the council any further statement or application for exemption from the requirement of state approval, unless the institution ceases to comply with one or more of the provisions of this section, or unless the institution wishes to be partially exempt under the provisions of 8 VAC 40-30-60 A 6 of this chapter.

D. The council, on its own motion, may initiate formal or informal inquiries to confirm that this chapter is not applicable to a religious institution if the council has reason to believe that the institution may be in violation of the provisions of this section.

1. Any institution which claims an exemption under subsection A of this section on the basis that its primary purpose is to provide religious training or theological education shall be entitled to a rebuttable presumption of the truth of that claim.

2. It shall be the council's responsibility to show that an institution is not exempt under subsection A of this section.

3. The council assumes no jurisdiction or right to regulate religious beliefs under this chapter.

An institution whose claim for exemption under subsection A of this section is denied by the council shall have the opportunity to appeal the council's action in accordance with 8 VAC 40-30-70