



SEVP Policy Guidance S1.2.6: State Licensure Exemption Evidence

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Supersedes: N/A

Status: Interim Final

Purpose/Background: This guidance provides acceptable evidence for exemption of state licensure for schools seeking Student and Exchange Visitor Program (SEVP) certification to guide SEVP adjudicators. All schools must be licensed per *8 CFR 214.3(b)*. If a school is exempt from license requirements, the school must submit evidence demonstrating its exemption.

Definitions:

1. **License.** Any state-issued license, approval, accreditation, or certification required for a school to operate in the state.
 - For public schools, license means certification of public status.
 - For private or parochial elementary and secondary schools, license means certification that the school must meet state or local public education requirements.
 - For schools covered by the provisions of *38 U.S.C. 3675* and *3676*, license means a statement of recognition of compliance with *38 U.S.C. 3675* and *3676*.

Acronyms:

1. **SEVP.** Student and Exchange Visitor Program

Procedures/Requirements:

1. **State exemption.** Schools exempt from state licensure that are seeking SEVP certification must provide evidence of exemption from its state educational oversight body. In some states, schools must apply for exemption from the appropriate state educational entity. In other states, no such process exists. In all cases, schools must provide SEVP with evidence supporting its position.
2. **Acceptable evidence.** A school should provide evidence listed in [section 2.1](#). If unable to provide such evidence from the state educational entity, the school should provide evidence listed in [section 2.2](#).
 - 2.1. **State educational entity able to verify exemption.** Evidence may include but is not limited to:
 - Certificate of exemption or confirmation from the state educational entity

- Screenshot of the governing state body's website/online database listing the school as an exempt institution

2.2. State entity unable to verify exemption. Evidence should include all of the following:

- Documentation demonstrating that the school contacted the appropriate state educational licensing/approving entity to request evidence of its exemption and any response from the state entity which must include all of the following:
 - Contact information of the state entity, preferably a specific individual.
 - Original request sent to the state entity.
 - If the school attempted to verify its exemption by phone, a written statement from the state entity summarizing and attesting to the contents of the conversation.
- A statement from the school explaining why it is exempt under state educational law and a copy of the applicable state educational law, regulation, or code under which the school claims to be exempt.
- Evidence that the school meets any other requirements, such as compulsory attendance or instructor credentials of the state educational law under which the school claims to be exempt.

References:

1. *8 CFR 214.3(b)*

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Signed by Rachel Canty on January 13, 2017
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