

26104439D

1 **HOUSE BILL NO. 383**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 *A BILL to amend and reenact § 23.1-226 of the Code of Virginia, relating to State Council of Higher*
5 *Education for Virginia; exemption of certain courses and programs of instruction from certification*
6 *requirement.*

7 Patron—Bennett-Parker

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That § 23.1-226 of the Code of Virginia is amended and reenacted as follows:**11 **§ 23.1-226. Exemptions.**12 A. The provisions of this article shall not apply to any public institution of higher education as that term is
13 defined in § 23.1-100 or any entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.).14 B. The following activities or programs offered by postsecondary schools that are otherwise subject to this
15 article are exempt from its provisions:16 1. The awarding of any honorary degree conferred that clearly states on its face that it is honorary in
17 nature and is regarded as (i) commemorative in recognition of an individual's contributions to society and (ii)
18 not representative of the satisfactory completion of any or all of the requirements of a program or course of
19 study;

20 2. A nursing education program or curriculum regulated by the Board of Nursing;

21 3. A professional or occupational training program subject to the approval of (i) a regulatory board
22 pursuant to Title 54.1 or (ii) another state or federal governmental agency;23 4. Any course or program of instruction provided or approved by any professional body, fraternal
24 organization, civic club, or benevolent order for which the principal purpose is continuing or professional
25 education or a similar purpose and for which no degree credit is awarded;26 5. Any course or program offered through approved multistate compacts, including the Southern Regional
27 Education Board's Electronic Campus;28 6. Any course offered and delivered by a postsecondary school solely on a contractual basis for which no
29 individual is charged tuition and there is no advertising for open enrollment;30 7. Any school, institute, or course of instruction offered by any trade association or any nonprofit affiliate
31 of a trade association on subjects relating to the trade, business, or profession represented by such
32 association;33 8. Any public or private high school accredited or recognized by the Board of Education that has offered
34 or may offer one or more courses as provided in this article, if the school collects any tuition, fees, or charges
35 as permitted by Title 22.1 in the case of a public school or pursuant to regulations prescribed by the relevant
36 governing body in the case of a private school; *or*37 9. Tutorial instruction delivered and designed to (i) supplement regular classes for students enrolled in any
38 public or private school, (ii) prepare an individual for an examination for professional practice or higher
39 education, or (iii) prepare an individual for an examination to demonstrate proficiency or to maintain
40 proficiency in an occupational field; *or*41 10. *Any course or program of instruction on Scrum, Kanban, or other Agile-based methods or*
42 *frameworks, provided that no such exempted course or program of instruction exceeds the number of hours*
43 *required by the certifying body.*44 C. The Council shall exempt from the provisions of this article any postsecondary school whose primary
45 purpose is to provide religious or theological education. Postsecondary schools shall apply for exemptions to
46 confer certificates or degrees relating to religion and theology. Exemptions may be granted for a maximum of
47 five years, unless the postsecondary school has been granted a standing exemption prior to July 1, 2002. Each
48 postsecondary school seeking such an exemption or continuation of such an exemption shall file such
49 information as may be required by the Council. If the Council does not grant a postsecondary school an
50 exemption, the postsecondary school shall be notified in writing with the reasons for the exemption denial.
51 The affected postsecondary school has the right to appeal the Council's decision pursuant to Article 3
52 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2. The Council shall, in each instance, determine the applicability
53 of the exemption as provided in this section.54 D. Notwithstanding the exemptions provided in this section, exempted postsecondary schools are subject
55 to the provisions of subsection B of § 23.1-221 and a postsecondary school may seek Council approval for an
56 otherwise exempt activity or program.

INTRODUCED

HB383