

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23.1-226 of the Code of Virginia, relating to State Council of Higher*
 3 *Education for Virginia; exemption of certain courses and programs of instruction from certification*
 4 *requirement.*

5 [H 383]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 23.1-226 of the Code of Virginia is amended and reenacted as follows:**9 **§ 23.1-226. Exemptions.**10 A. The provisions of this article shall not apply to any public institution of higher education as that term is
 11 defined in § 23.1-100 or any entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.).12 B. The following activities or programs offered by postsecondary schools that are otherwise subject to this
 13 article are exempt from its provisions:14 1. The awarding of any honorary degree conferred that clearly states on its face that it is honorary in
 15 nature and is regarded as (i) commemorative in recognition of an individual's contributions to society and (ii)
 16 not representative of the satisfactory completion of any or all of the requirements of a program or course of
 17 study;

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

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

ENROLLED

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