

Attachment A: Training Provider/Program(s) Exempt from Certification

§ 23-276.2 of the Code of Virginia allows the following exemptions from certification:

- 1) Public institutions of higher education in Virginia
- 2) Educational offerings or activities that meet the following:
 - a) A nursing education program or curriculum regulated by the Board of Nursing;
 - b) A professional or occupational training program regulated by another state or federal governmental agency;
 - c) Those courses or programs of instruction given by or approved by any professional body that are principally for continuing or professional education and for which no degree credit is awarded;
 - d) Those courses or programs offered through approved multistate compacts, including, but not limited to, the Southern Regional Education Board's Electronic Campus;
 - e) Those courses offered and delivered by a postsecondary school that is accredited by an entity recognized by the U.S. Department of Education for accrediting purposes, if such courses are provided, solely on a contractual basis for which no individual is charged tuition and for which there is no advertising for open enrollment;
 - f) Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association;
 - g) Any public or private high school accredited or recognized by the Board of Education;
 - h) Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice or higher education; or
 - i) Religious institution whose primary purpose is to provide religious or theological education.

§ 23-276.4 (C) of the Code of Virginia states that institutions of higher education are not required to obtain further certification if they (i) were formed, chartered, or established in the Commonwealth; (ii) have maintained a main campus continuously in the Commonwealth for at least 20 calendar years under their current ownership; (iii) were continuously approved or authorized to confer or grant academic or professional degrees by the Council during those 20 years; and (iv) are fully accredited by an accrediting agency that is recognized by the U.S. Department of Education.

Postsecondary institutions that do not meet the requirements of § 23-276.2 or § 23-276.4 (C) above are required to obtain certification in accordance with Attachment B.