



PRIVATE POSTSECONDARY EDUCATION

Guidelines and Approval Process for Exemption from Certification

For Postsecondary Schools Otherwise Subject to Regulation

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✓ Quick Check: Does This Document Apply to You?

If your school, organization, or program offers postsecondary programs, courses, or training in Virginia — and you believe you may be exempt from SCHEV certification — you must still apply for and receive written approval before operating. This document explains which programs qualify for exemption and how to apply.

Exemption is never automatic. Operating without approval is a violation of Virginia law.

I. Authority

Virginia law generally requires postsecondary schools to obtain SCHEV certification before offering courses, degrees, or programs — whether in person or online. Certain programs, however, are exempt from this requirement.

The authority for these requirements and exemptions comes from two sources:

- **§ 23.1-219(A)(3) of the Code of Virginia** — prohibits any postsecondary school subject to regulation from offering degrees, courses for degree credit, programs of study leading to a degree, or nondegree courses without first obtaining SCHEV certification or an exemption determination.
- **§ 23.1-226 and 8VAC40-31-60** — authorize exemptions from certification for certain specified activities, programs, and institution types. SCHEV has the authority to determine whether a given exemption applies.

II. Purpose and Key Principles

⚠ Key Rule: Exemption Is Never Automatic

Entities seeking exemption bear the burden of demonstrating that the course, program, or activity clearly falls within a statutory or regulatory exemption category. A school must apply for and receive written approval from SCHEV before operating under any exemption.

SCHEV provides these guidelines to clarify which programs and courses qualify for exemption from certification requirements, and to explain the process for submitting, reviewing, and approving exemption applications.



How SCHEV Evaluates Exemption Requests

Exemptions are interpreted narrowly to protect students and the public. SCHEV applies the following principles when reviewing all exemption requests:

- **Substance over labels.** SCHEV evaluates a course or program based on what it actually does, not the terminology, labels, or marketing language used by the provider.
- **Vocational programs require certification.** Any course or program advertised, promoted, or represented as enhancing an individual's preparation for employment, licensure, certification, examination, or commercial pursuit will be considered vocational in nature and subject to certification requirements — unless a specific exemption applies.
- **Mixed content is not automatically exempt.** Courses or programs containing both exempt and non-exempt instructional content may still require certification. Including exempt subject matter within a broader workforce preparation program does not independently exempt the entire program.
- **All promotional materials may be reviewed.** In determining whether certification is required, SCHEV may consider representations made through websites, advertisements, social media, enrollment materials, catalogs, verbal statements, webinars, email communications, or other promotional materials.

III. Definitions

Note: These definitions are the operative definitions for this document. The everyday meaning of a term may differ from its specific legal meaning used here. Please read them carefully before determining which exemption category may apply to your program.

Term	Definition
Avocational	"Instructional programs that are not intended to prepare students for employment but are intended solely for recreation, enjoyment, personal interest, or as a hobby or courses or programs that prepare individuals to teach such pursuits" (8VAC40-31-10).
Benevolent order	A social or charitable public service organization exempt from paying federal income taxes under § 501(c)(3) of the Internal Revenue Code.
Civic organization (or club)	Any local service club, veterans' post, fraternal society or association, volunteer fire or rescue group, or local civic league or association of 10 or more persons. Such organizations are not proprietary and are operated exclusively for educational, charitable, recreational, or social welfare purposes.
Continuing or professional education	"Classes, courses, and programs designed specifically for individuals who have completed a degree in a professional field that (i) are intended to fulfill the continuing education requirements for licensure or certification in such professional field, (ii) have been approved by a legislatively or judicially established board or agency responsible for regulating the practice of the profession, and (iii) are offered exclusively to an individual practicing in such professional field" (§ 23.1-213).



Term	Definition
Fraternal organization	A group based on a common bond in which members meet for a mutually beneficial purpose of a social, professional, academic, or religious nature.
Non-college degree school	“Any person or other entity that offers courses or programs of study that do not lead to a degree” (§ 23.1-213).
Postsecondary school	“Any institution of higher education or non-college degree school offering formal instructional programs with a curriculum designed primarily for students who have completed the requirements for a high school diploma or its equivalent.” This term “does not include avocational and adult basic education programs” (§ 23.1-213).
Professional body	An organization or group comprised of members of a particular professional field.
Professional field	An occupation that requires both (i) the completion of academic training resulting in a certificate, diploma, or degree, and (ii) licensure to be eligible for employment in the occupation.
Professional practice	The lawful practice of an occupation requiring state licensure or other governmental authorization.
Recognized third-party certifying body	An organization that establishes published standards, competencies, assessments, or certification requirements for a specific occupational methodology, framework, or professional practice area.
Trade association	An organization formed to represent and promote the common business interests of companies operating within a specific industry. Examples include: Virginia Apartment Management Association (VAMA); Associated Builders and Contractors (ABC); Virginia Association of Realtors (VAR); Virginia Trucking Association; National Restaurant Association; National Association of Landscape Professionals; and similar member-based organizations. Important: An entity does not qualify as a trade association solely because it offers industry-related training or uses terms such as “association,” “academy,” “institute,” or “organization” in its name.



IV. Qualifying Exemptions

The following exemptions are available under Virginia law and regulation. Each exemption has specific requirements that must be met. Click a heading to jump to that exemption.

#	Exemption	Authority
1	Programs approved by a regulatory board or government agency	§ 23.1-226(B)(3)
2	Continuing or professional education by a qualifying organization	§ 23.1-226(B)(4)
3	Courses offered through approved multistate compacts	§ 23.1-226(B)(5)
4	Contract-only training with no public enrollment or tuition	§ 23.1-226(B)(6)
5	Trade association courses on related subjects	§ 23.1-226(B)(7)
6	Tutorial instruction (three types)	§ 23.1-226(B)(9)
7	Scrum, Kanban, and Agile-based certification courses	§ 23.1-226(B)(10)
8	Non-profit employee training (no charge, no open enrollment)	8VAC40-31-60(A)(3)
9	Fine arts or avocational courses	8VAC40-31-60(A)(4)
10	Religious or theological education	§ 23.1-226(C) & 8VAC40-31-50

Exemption 1: Programs Approved by a Regulatory Board or Government Agency

Legal Authority: § 23.1-226(B)(3)

A professional or occupational training program offered by a non-college degree school qualifies for exemption if it has been approved by a Virginia regulatory board (under Title 54.1 of the *Code of Virginia*) or another state or federal governmental agency with regulatory oversight authority applicable to Virginia.

To qualify, you must show:

- The program is professional or occupational training offered by a non-college degree school.
- The program holds a valid and current approval from a qualifying regulatory board or agency.
- The approving agency must have regulatory authority in Virginia. Approvals issued solely by another state outside Virginia do not qualify.
- Submit evidence of the valid, current approval with your application.

Examples of qualifying programs:

- Cosmetology or barbering programs approved by the Board for Barbers and Cosmetologists (Title 54.1).
- Contractor training approved by the Board for Contractors.
- Nursing programs approved by the Virginia Board of Nursing (VBON).
- Real estate training approved by the Real Estate Board.
- Criminal justice training approved by the Virginia Department of Criminal Justice Services (DCJS).
- Insurance-related training approved by the Virginia State Corporation Commission (SCC).
- Commercial driver training approved by the Virginia Department of Motor Vehicles (DMV).



- Flight training approved by the Federal Aviation Administration (FAA).

⚠ Common Mistake / Important Note:

- ▶ An approval, license, or registration issued only by another state (not Virginia) does not qualify for this exemption.

Exemption 2: Continuing or Professional Education by a Qualifying Organization

Legal Authority: § 23.1-226(B)(4)

A course or program provided or approved by a professional body, fraternal organization, civic club, or benevolent order qualifies if its principal purpose is continuing or professional education and no degree credit is awarded.

To qualify, you must show:

- The course or program meets the definition of “continuing or professional education” as defined in Section III of this document: it must be designed for individuals who have already completed a degree in a professional field, fulfill continuing education requirements for licensure or certification, be approved by a regulatory board, and be offered exclusively to practicing professionals.
- The entity providing the course must qualify as a professional body, fraternal organization, civic club, or benevolent order as defined in Section III of this document.
- No degree credit is awarded.

Examples of qualifying programs:

- A state bar association offering mandatory continuing legal education (CLE) to licensed attorneys.
- A medical society offering continuing medical education (CME) approved by the applicable licensing board.
- A professional engineering association offering continuing education required for license renewal.

Exemption 3: Courses Offered Through Approved Multistate Compacts

Legal Authority: § 23.1-226(B)(5)

Any course or program offered through an approved multistate compact in which Virginia is a member qualifies for exemption.

To qualify, you must show:

- The entity must be approved through a multistate compact in which Virginia participates.
- Submit proof of approval from the multistate compact with your application.

Examples of qualifying programs:



- Courses offered through the Southern Regional Education Board (SREB) Electronic Campus.
- Programs offered through other compacts in which Virginia holds membership.

Exemption 4: Contract-Only Training (Business-to-Business)

Legal Authority: § 23.1-226(B)(6)

A course offered and delivered by a postsecondary school solely on a contractual basis qualifies for exemption where no individual is charged tuition and there is no advertising for open enrollment.

To qualify, you must show:

- The course or program is provided solely on a business-to-business (B2B) basis.
- The school does not advertise or otherwise solicit enrollment from the general public.
- Individual students do not pay tuition directly — all payments are made by the contracting business.

Examples of qualifying programs:

- An employer contracts with a training provider to deliver onboarding or skills training exclusively to that employer's employees, with the employer paying all fees.
- A corporate training company provides customized instruction under a private contract with no public-facing enrollment.

⚠ Common Mistake / Important Note:

- ▶ If any individual can self-enroll or pay tuition directly, this exemption does not apply.
- ▶ Any public advertising or open enrollment offering will disqualify the program from this exemption.

Exemption 5: Trade Association Courses on Related Subjects

Legal Authority: § 23.1-226(B)(7)

Any course of instruction offered by a trade association or a nonprofit affiliate of a trade association on subjects relating to the trade, business, or profession represented by the association qualifies for exemption.

To qualify, you must show:

- The entity offering the course must qualify as a trade association as defined in Section III of this document.
- The course or program content must be directly related to the trade, business, or profession represented by the association.

Examples of qualifying programs:

- A realtors' association offering courses on real estate contracts and property management.
- A restaurant industry association offering food safety and management training.



- A trucking association offering compliance and safety training for commercial carriers.

⚠ Common Mistake / Important Note:

- ▶ Using terms like “association,” “academy,” or “institute” in your organization’s name does not make it a trade association.
- ▶ The course content must be directly tied to the trade the association represents — general workforce training does not qualify.

Exemption 6: Tutorial Instruction (Three Types)

Legal Authority: § 23.1-226(B)(9)

Tutorial instruction that falls into one of the following three categories qualifies for exemption. Each type has its own specific requirements.

To qualify, you must show:

- TYPE A — Supplement to K–12 schooling: Tutorial instruction offered solely as supplemental academic instruction for students enrolled in a public or private primary or secondary school. Examples: math, reading, writing, or science tutoring; SAT/ACT prep for secondary students; supplemental instruction aligned with a student’s existing school curriculum.
- TYPE B — Preparation for higher education or professional licensing exams: Tutorial instruction designed specifically to prepare individuals for (i) examinations required for admission to an undergraduate or graduate program, or (ii) examinations required for entry into a licensed professional field. Examples of occupations that require professional licensure: Attorney at Law, Doctor of Medicine, Certified Public Accountant.
- TYPE C — Proficiency or maintenance exams for experienced practitioners: Tutorial instruction for experienced practitioners preparing for a specific examination related to maintaining, demonstrating, or advancing proficiency in an occupational field. The instruction must be limited to exam preparation rather than initial entry-level training. Examples: SHRM certification exam prep; PMP exam prep for licensed or certified professionals.

Examples of qualifying programs:

- K–12 math tutoring for high school students enrolled in public school.
- LSAT or MCAT preparation courses.
- Bar exam preparation programs.
- CPA or NCLEX examination prep for individuals with relevant academic credentials.
- SHRM or PMP exam prep for existing professionals.

⚠ Common Mistake / Important Note:

- ▶ Information Technology occupations are generally not considered licensed professions for purposes of Type B. IT certification prep courses typically do not qualify under this exemption.
- ▶ Type C applies only to experienced practitioners preparing for proficiency or maintenance exams — not to courses designed to prepare individuals for initial entry into an occupational field.



Exemption 7: Scrum, Kanban, or Other Agile-Based Certification Courses

Legal Authority: § 23.1-226(B)(10)

Any course or program of instruction on Scrum, Kanban, or other Agile-based methods or frameworks qualifies for exemption, provided that the course does not exceed the number of instructional hours required by the certifying body.

To qualify, you must show:

- The course or program is specifically related to Scrum, Kanban, Agile project management, Agile product development, Agile coaching, Agile delivery methodologies, or similar Agile-based frameworks.
- The course is tied to a recognized third-party certifying body that establishes standards, competencies, or certification requirements for the applicable Agile-based framework.
- The total instructional hours do not exceed the hours required by the certifying body for the associated certification or credential.
- No degree or degree credit is awarded.
- The course is limited to Agile-based methodologies — it does not extend to broader IT, software engineering, business administration, general project management, or workforce development programs.

Examples of qualifying programs:

- Certified ScrumMaster (CSM) preparation courses.
- Professional Scrum Master (PSM) training.
- Certified Scrum Product Owner (CSPO) training.
- SAFe Agilist certification preparation.
- Kanban System Design courses.
- Agile Certified Practitioner (PMI-ACP) examination preparation courses.

⚠ Common Mistake / Important Note:

- ▶ General IT or software development boot camps do not qualify.
- ▶ Broad project management diploma or certificate programs not limited to Agile-based methodologies do not qualify.
- ▶ Workforce development programs that substantially exceed the instructional hours established by the certifying body do not qualify.
- ▶ Programs marketed as preparing individuals for initial entry into the IT field (beyond the scope of Agile certification) do not qualify.

Recognized Agile Certifying Bodies include:

- Scrum Alliance
- Scrum.org
- Project Management Institute (PMI)
- Scaled Agile, Inc.



- Other organizations that maintain recognized standards and certification requirements for Agile-based methodologies.

Exemption 8: Non-Profit Employee Training (No Charge, No Open Enrollment)

Legal Authority: 8VAC40-31-60(A)(3)

Any course or program conducted on a not-for-profit basis by a firm or organization for the training of its own employees qualifies for exemption, provided that such instruction is offered at no charge to employees and with no advertising for open enrollment.

To qualify, you must show:

- The training is provided by a firm or organization for its own employees only.
- The program is conducted on a not-for-profit basis.
- The instruction is offered at no charge to employees.
- There is no advertising for open enrollment.

Examples of qualifying programs:

- A company that trains its own staff on internal systems, policies, or safety procedures at no cost to employees.
- An organization that provides professional development to its workforce without charging tuition or opening enrollment to outsiders.

⚠ Common Mistake / Important Note:

- ▶ This exemption does not apply if training is offered to individuals outside the organization or if any fee is charged to employees.

Exemption 9: Fine Arts and Avocational Courses (Personal Enrichment Only)

Legal Authority: 8VAC40-31-60(A)(4)

Schools of fine arts and other avocational courses conducted to further artistic appreciation, personal talent development, or personal enrichment qualify for exemption. Programs that prepare individuals to teach such pursuits also qualify.

To qualify, you must show:

- The course or program is conducted to further artistic appreciation, talent, or personal development or information.
- The program is not designed to prepare students for employment, licensure, or occupational entry.
- Programs that prepare individuals to teach avocational or fine arts pursuits also qualify.

Examples of qualifying programs:



- Recreational painting, pottery, or drawing classes.
- Personal cooking, gardening, or photography courses.
- Dance, music, or theater classes for personal enrichment.
- Courses that train future instructors for recreational arts programs.

⚠ Common Mistake / Important Note:

- ▶ If a course is marketed as preparing individuals for employment, licensure, or commercial work, it is vocational in nature and will be subject to certification requirements.

Exemption 10: Religious or Theological Education

Legal Authority: § 23.1-226(C) and 8VAC40-31-50

Any postsecondary school whose primary purpose is to provide religious or theological education qualifies for exemption. Schools applying under this category follow a separate application process (see Section VI).

To qualify, you must show:

- The school's primary purpose is to provide religious or theological education.
- The school confers only certificates or degrees relating to religion and theology.
- No secular degrees are awarded in any discipline, including religion, religious education, or biblical studies.

Examples of qualifying programs:

- A seminary offering a Master of Divinity or Doctor of Theology.
- A religious institution conferring a Bachelor of Education focused on a specific faith tradition.

⚠ Common Mistake / Important Note:

- ▶ The following secular degree titles may NOT be awarded by religious exempt schools: (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, (x) Doctor of Education.
- ▶ Religious exempt schools have a separate application process — see Section VI for details.

V. How to Apply for Certification Exemption

Step-by-Step Application Process

1. **Review the qualifying exemptions in Section IV** to identify which category applies to your course or program. If exemptions are requested in multiple categories, a separate application and fee are required for each request.
2. Gather all required supporting documentation, which may include:
 - Copies of applicable webpages, catalogs, and advertising materials.
 - Publicly accessible course or program descriptions.



- Evidence of regulatory approval (if applying under Exemption 1).
 - Proof of compact membership (if applying under Exemption 3).
 - Contracts or enrollment materials (if applying under Exemption 4).
3. Complete and submit the *Application for Certification Exemption* to the Office of Private Postsecondary Education.

The *Application for Certification Exemption* can be found at:

<https://ppe.schev.edu/sites/default/files/PDF/ApplicationForCertificationExemption.pdf>

Important: What SCHEV Will and Will Not Do

SCHEV will not provide pre-application exemption determinations, advisory opinions, or informal assessments of exemption eligibility through email, telephone, or other informal communications.

SCHEV staff do not evaluate or determine exemption eligibility unless and until a complete *Application for Certification Exemption* and all required supporting documentation have been formally submitted for review.

SCHEV reserves the right to request additional information, records, webpages, advertising materials, contracts, course descriptions, schedules, or other documentation necessary to make its determination.

It is the applicant's responsibility to review the applicable statutes, regulations, and guidance documents and to demonstrate that the entity, course, or program qualifies for the requested exemption category.

VI. Applying for Exemption as a Religious Exempt School

Different Process Required

Religious exempt schools (Exemption 9) follow a separate application process from other exemption types. Do not use the standard *Application for Certification Exemption* form described in Section V.

To qualify as a religious exempt school, a postsecondary school must:

- Have a primary purpose of providing religious or theological education.
- Award only certificates or degrees relating to religion and theology.
- Not award any secular degree titles (see Exemption 9 for the list of prohibited degree titles).

Required Application Forms

To secure approval as a religious exempt school, the school must submit both of the following forms to the Office of Private Postsecondary Education:

- **Request for Name Acknowledgement for Religious Exempt Institutions** — required before using an institutional name in Virginia.
- **Institutional Application for Religious Exemption** — the full exemption application.



Both forms are available at: <https://ppe.schev.edu/ppe-forms-and-regulations>

VII. Frequently Asked Questions

Does an out-of-state approval qualify my program for Exemption 1?

No. An approval, license, or registration issued solely by another state outside Virginia does not qualify a program for exemption under § 23.1-226(B)(3). The approving agency must have regulatory oversight authority applicable to Virginia operations.

My program has both exempt and non-exempt content. Is it still exempt?

Not necessarily. Courses or programs containing both exempt and non-exempt instructional content may still require certification. The inclusion of exempt subject matter within a broader workforce preparation or occupational training program does not independently exempt the entire program.

Can I operate while my exemption application is pending?

No. Exemption is not automatic and is not effective until written approval is received from SCHEV. Operating before receiving written approval is a violation of Virginia law.

Can I call or email SCHEV to find out if I qualify before applying?

No. SCHEV does not provide informal assessments of exemption eligibility. To receive a determination, you must submit a complete *Application for Certification Exemption* with all required documentation. See Section V for the application process.

My organization uses the word “association” in its name. Does that make it a trade association?

No. An entity does not qualify as a trade association solely because it uses terms such as “association,” “academy,” “institute,” or “organization” in its name. To qualify, the organization must be formed to represent and promote the common business interests of companies operating within a specific industry, and the course content must be directly related to that trade.

My IT certification course — does it qualify as tutorial instruction?

Generally, no. Information Technology occupations are generally not considered licensed professions for purposes of the tutorial instruction exemption under § 23.1-226(B)(9)(ii). However, Agile-based IT courses may qualify under Exemption 10 (Scrum/Kanban/Agile). See Section IV, Exemption 10 for details.

What is the difference between the effective date (July 1, 2026) and the updated date (May 2026)?

The updated date indicates when this guidance document was last revised. The effective date of July 1, 2026 is when this updated guidance becomes operative. Applications submitted before July 1, 2026 should be reviewed in consultation with SCHEV staff for applicable guidance.

Contact the Private Postsecondary Education Unit
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