

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 23-276.1 of the Code of Virginia, relating to regulation of certain private and out-of-state institutions of higher education.*

[S 1279]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23-276.1 of the Code of Virginia is amended and reenacted as follows:**

§ 23-276.1. Definitions.

As used in this chapter:

"Academic-Vocational" refers to a noncollege degree school that offers degree and nondegree credit courses.

"Agent" means a person who is employed by any institution of higher education or noncollege degree school, whether such institution or school is located within or outside the Commonwealth, to act as an agent, solicitor, procurer, broker or independent contractor to procure students or enrollees for any such institution or school by solicitation in any form at any place in the Commonwealth other than the office or principal location of such institution or school.

"Certificate" or "diploma" means an award that is given for successful completion of a curriculum comprised of courses that may also be taken for degree credit and shall apply only to those awards given for coursework offered by institutions of higher education and academic-vocational noncollege degree schools.

"College" means any institution of higher education that offers associate or baccalaureate level degree programs.

"Continuing or professional education" means those 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 said profession; (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 the profession.

"Council" means the State Council of Higher Education for Virginia.

"Degree" means any earned award at the associate, baccalaureate, graduate, first professional or specialist levels that represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level.

"Degree credit course" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level, which may be used toward completion of a certificate or diploma, or an associate, baccalaureate, graduate, first professional or specialist level degree.

"In-state institution" means an institution of higher education that is formed, chartered, or established within Virginia. An out-of-state institution shall be deemed an in-state institution for the purposes of certification as a degree-granting institution if (i) it has no instructional campus in the jurisdiction in which it was formed, chartered, established, or incorporated and (ii) it produces clear and convincing evidence that its main or principal campus is located in Virginia.

"Institution of higher education" or "institution" means any person or entity, other than a Virginia state-supported institution of higher education named in § 23-9.5 or any public institution of higher education established in statute as an authority and declared a governmental instrumentality pursuant to § 23-14, that has received approval from the Council to (i) use the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business; (ii) enroll students; or (iii) offer approved courses for degree credit or programs of study leading to a degree or to offer degrees either at a site in Virginia or via telecommunications equipment located within Virginia.

"Multistate compact" means any agreement involving two or more states to offer jointly postsecondary educational opportunities, pursuant to policies and procedures set forth by such agreement and approved by the Council.

"Noncollege degree school" means any postsecondary school that offers courses or programs of study that do not lead to an associate or higher level degree. Such schools may be academic-vocational or vocational.

"Nondegree credit course" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level, which may be used

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57 toward completion of a certificate or diploma, but may not be used to earn an associate or higher level  
58 degree.

59 "Out-of-state institution" means an institution of higher education that is formed, chartered,  
60 established, or incorporated outside the Commonwealth.

61 "Postsecondary school" or "school" means any entity offering formal instructional programs with a  
62 curriculum designed primarily for students who have completed the requirements for a high school  
63 diploma or its equivalent. Such schools include programs of academic, vocational, and continuing  
64 professional education, and exclude avocational and adult basic education programs. For the purposes of  
65 this chapter, a "postsecondary school" shall be classified as either an institution of higher education as  
66 defined in this section or a noncollege degree school, as defined in this section.

67 "Program" means a curriculum or course of study in a discipline or interdisciplinary area that leads  
68 to a degree, certificate, or diploma.

69 "Program area" means a general group of disciplines in which one or more degree programs,  
70 certificates, or diplomas may be offered.

71 "Proprietary" means a privately owned and managed, profit-making institution of higher education or  
72 noncollege degree school.

73 "Site" means a location in Virginia where a postsecondary school (i) offers one or more courses on  
74 an established schedule and (ii) enrolls two or more persons who are not members of the same  
75 household. A site may be a branch of such postsecondary school, and shall not be required to possess  
76 administrative capability.

77 "University" means any institution offering programs leading to degrees or degree credit beyond the  
78 baccalaureate level.

79 "Vocational" refers to a noncollege degree school that offers only nondegree credit courses.