



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Council of Higher Education for Virginia
<b>Virginia Administrative Code (VAC) citation</b>	8VAC40-120
<b>Regulation title</b>	Guidelines for Determining Domicile and Eligibility for In-State Tuition Rates
<b>Action title</b>	Repealing 8VAC40-120
<b>Final agency action date</b>	7/14/2009
<b>Document preparation date</b>	8/17/2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Guidelines for Determining Domicile and Eligibility for In-State Tuition Rates are being repealed because the Office of the Attorney General has indicated that they were promulgated erroneously and should be removed from the Virginia Administrative Code.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

On July 14, 2009, the State Council of Higher Education for Virginia directed staff to work with the Office of the Attorney General and the Virginia Registrar to facilitate removal of the Domicile Guidelines from the Virginia Administrative Code, to withdraw the proposed revisions to the Guidelines from the APA process,

and to reissue the language approved at its March 10, 2009 meeting as Council Domicile Guidelines consistent with the authorization provided by the Code of Virginia, §23-7.4:3.