



COMMONWEALTH of VIRGINIA

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November 7, 2016

Peter Blake
Executive Director
State Council of Higher Education for Virginia
James Monroe Building
101 North 14th Street
Richmond, Virginia 23219

Re: New Economy Workforce Credential Grant Program Regulations
Final Regulation 8VAC40-160

Dear Mr. Blake:

I have reviewed the above-referenced final regulation to determine if the State Council of Higher Education for Virginia ("SCHEV") has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that in accordance with the Virginia Code § 23-38.10:16 (re-codified on October 1, 2016 as § 23.1-627.3), SCHEV has the authority to promulgate the final regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The regulation is necessary to implement and administer the grant program established in Title 23, Chapter 4.03 of the Code of Virginia through the adoption of Chapter 326 of the 2016 Acts of Assembly. Pursuant to § 2.2-4002(B)(4) of the Virginia Code, this action by SCHEV is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.

Sincerely,

Allen T. Wilson
Senior Assistant Attorney General