



[townhall.virginia.gov](http://townhall.virginia.gov)

## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Council of Higher Education for Virginia
<b>Virginia Administrative Code (VAC) citation(s)</b>	8VAC40-130 and 8VAC40-131
<b>Regulation title(s)</b>	Virginia Student Financial Assistance Program Regulations
<b>Action title</b>	Repeal/promulgation of regulations to reorganize, update terminology, and incorporate law changes.
<b>Final agency action date</b>	January 12, 2015
<b>Date this document prepared</b>	February 2, 2015

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) or an agency's basic statute, the agency is not required, however, 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, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The regulations govern use of funds under the Virginia Student Financial Assistance Program and are being repealed (Chapter 130) / adopted (Chapter 131) to 1) reorganize provisions to add clarity, 2) update terminology, 3) incorporate changes in law, 4) and provide administrative guidance. Most of the recommended changes reflect current practice and so produce little substantive change to the program.

### 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 January 12, 2015, the State Council of Higher Education for Virginia approved the repeal of 8VAC40-130, Virginia Student Financial Assistance Program Regulations, and the adoption of 8VAC40-131, Virginia Student Financial Assistance Program Regulations.

**Family impact**

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

These regulations support college students by enhancing education access and attainment. Obtaining a college degree provides increased opportunities for students and their families. Conforming the regulations to existing law eliminates potential confusion that would be caused by conflicting law.

**Periodic review/small business impact review report of findings**

*This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.*

*Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

Commenter	Comment	Agency response

No comments were received during the public comment period following the publication of the Notice of Periodic Review. The regulations meet the criteria set out in Executive Order 17 (2014) and are necessary for governing the use of funds under the state’s largest financial aid program, the Virginia Student Financial Assistance Program, as authorized by the Act of Appropriation section 4-5.01b, Student Financial Assistance for Higher Education, and § 23-38.53:4 et seq of the Code of Virginia. The regulations were last amended in 2004. Changes reflected in the adopted regulations provide needed clarity and guidance for colleges and universities in the administration of the program. These changes include updated and expanded terminology to ensure uniform administration of the program; incorporating changes to the authorizing laws; and providing administrative guidance in the areas of 1)

institutional award schedules to ensure that resulting student awards meet state requirements, 2) students participating in study abroad programs and consortium agreements, 3) full-time enrollment exceptions for students having a disability, and 4) treatment of financial aid for over award calculations.

---