



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jay Jones
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

MEMORANDUM

TO: A. Scott Fleming, Director
State Council of Higher Education for Virginia

FROM: Deborah A. Love *DAL*
Senior Assistant Attorney General/Chief
Education Section

DATE: June 10, 2026

SUBJECT: Repeal of Cybersecurity Student Loan Repayment Grant Regulations
8 VAC 40-170

I have reviewed the regulations identified above in order to determine whether the State Council of Higher Education for Virginia (Council) has the authority to repeal the regulations.

Pursuant to § 23.1-215 of the *Code of Virginia*, the Council has authority to promulgate regulations "as may be necessary to implement" state laws regulating certain private and out-of-state institutions of higher education. These regulations were established to implement and administer the grant program established in Chapter 2, Item 141 of the 2017 Acts of Assembly. This program was defunded, effective July 1, 2024, pursuant to Chapter 1, Item 142 of the 2023 Acts of Assembly (Sp. Sess. 1). Language authorizing the program no longer appears in the budget.

It is the view of this Office that the Council has the authority to repeal these regulations, and that such action is exempt from the Administrative Process Act pursuant to § 2.2-4002(B)(4) of the *Code of Virginia*.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804)786-3807 or by electronic mail at dlove@oag.state.va.us