



**COMMONWEALTH of VIRGINIA**  
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*Richmond 23219*

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May 13, 2003

Phyllis Palmiero, Executive Director  
State Council of Higher Education for Virginia  
Monroe Building  
Richmond, Virginia, 23219

Re: Regulations Governing the Certification of Certain Institutions  
to Confer Degrees, Diplomas, and Certificates  
8 VAC 40-31-10 *et seq.*

Dear Ms. Palmiero:

I have reviewed the above-referenced regulations. In my view, the Council has the authority to find that the adoption of these regulations on an emergency basis is necessitated by an emergency situation, as defined in section 2.2-4011.A, item (ii), which states that an "emergency situation" is a situation "in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment." Chapter 178 of the 2002 Acts of Assembly, cl. 5 provides: "[P]ursuant to the authority granted by 2.2-4011 for the adoption of emergency regulations, the State Council of Higher Education shall adopt regulations to implement the provisions of this act within 280 days of enactment."

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Deborah Love Feild  
Assistant Attorney General