



COMMONWEALTH of VIRGINIA

Office of the Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

Mark R. Herring
Attorney General

August 21, 2015

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

**Re: Regulations Governing the Certification of Certain Institutions to Confer Degrees, Diplomas and Certificates
(8 VAC 40-31)**

Dear Mr. Blake:

The State Council of Higher Education for Virginia ("SCHEV") has asked for a review of its authority to promulgate and amend the above-referenced regulations.

Virginia Code § 23-9.6:1(15) vests SCHEV with the authority to promulgate such regulations as may be necessary to carry out its powers and duties under the Code. Pursuant to Va. Code § 23-276.3, the General Assembly has granted SCHEV the authority to promulgate regulations necessary to implement statutory provisions pertaining to the regulation of certain private and out-of-state institutions of higher education. Because the promulgation of regulations for the implementation of such statutes is expressly the responsibility of SCHEV, it is my view that SCHEV has the mandated authority to promulgate such regulations and amend them as necessary.

I further find that the proposed regulations are consistent with the statutory grant of authority to promulgate them, are consistent with the statutes, and are internally consistent. The proposed regulations do not appear to conflict with state or federal statutes. And the proposed regulations appear to have no Constitutional defect.

If you require additional assistance on this matter, please do not hesitate to contact me.

Respectfully,

/s/

Mike F. Melis
Assistant Attorney General