



***COMMONWEALTH of VIRGINIA***  
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**MEMORANDUM**

**TO:** PETER BLAKE,  
Director, State Council of Higher Education for Virginia

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** April 16, 2018

**SUBJECT:** Virginia Vocational Incentive Scholarship Program  
for Shipyard Workers Regulations  
Final Regulation 8VAC40-140

I have reviewed the above-referenced final regulation to determine if the State Council of Higher Education for Virginia ("Council") 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 the Council has the authority to promulgate the regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. Pursuant to § 2.2-4002(B)(4) of the Virginia Code, this action by the Council is exempt from the requirements of the APA.

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