



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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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: June 29, 2017

SUBJECT: Virginia Guaranteed Assistance Program
Periodic Review 8VAC40-131

I have reviewed the above-referenced regulation, which is undergoing a periodic review, to determine if the State Council of Higher Education for Virginia ("Council") has the statutory authority to promulgate the regulation.

In accordance with Virginia Code § 23.1-203 the Council has the authority to promulgate regulations it deems necessary to implement its statutory duties. Specifically, Virginia Code § 23.1-636(B) requires the Council to promulgate regulations to implement the Virginia Guaranteed Assistance Program. This regulation serves that purpose. It appears that the Council has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

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