



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: October 10, 2017

SUBJECT: Virginia Student Financial Assistance Program Regulations
Final Regulation 8VAC40-132

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 Council is exempt from the Administrative Process Act (APA).

It appears that the Council has the authority to repeal the existing regulation and promulgate the final replacement 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.