



***COMMONWEALTH of VIRGINIA***  
*Office of the Attorney General*  
*Richmond 23219*

Mark R. Herring

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

**MEMORANDUM**

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

**FROM:** DEBORAH A. LOVE  
Senior Assistant Attorney General

**DATE:** September 9, 2019

**SUBJECT:** Promulgation of Virginia Foster Care Tuition Regulations

I have reviewed the above-referenced regulation, to determine if the State Council of Higher Education for Virginia ("Council") has the statutory authority to promulgate the regulation, and if the regulations comport with applicable law.

The Council has duty and authority under Code § 23.1-601(B) to promulgate regulations governing the grants of financial aid to certain students who were in foster care. In my view, the regulations do not exceed the Council's rulemaking authority.

If you have any questions about the foregoing, please feel free to contact me at the address above or via email at [dlove@oag.state.va.us](mailto:dlove@oag.state.va.us).