



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: Amendments to Regulations Governing the Certification of Certain Institutions to Confer Degrees, Diplomas, and Certificates

I have reviewed the proposed amendments to 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 authority under Code § 23.1-215 to promulgate such regulations as may be necessary to implement the provisions of State laws governing the regulation of certain private and out-of-state institutions of higher education. In addition, Code § 23.1-230 requires Council to prescribe the disclosures to be included in such institutions' enrollment agreements. 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.