



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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April 5, 2020

Beverly A. Rebar, J.D.
Senior Associate for Academic and Legislative Affairs
State Council of Higher Education for Virginia (SCHEV)
101 N. 14th Street, 9th Floor
Richmond, VA 23219

Re: OAG Certification

Dear Beverly:

Thank you for your request for review of new Virginia Tuition Assistance Grant (VTAG) provisions related to distance learning. Please accept this letter as formal certification of the proposed changes to VTAG/distance learning regulations.

Pursuant to § 23.1-224 of the Code of Virginia, SCHEV has the authority to regulate certain private and out-of-state institutions that operate with the Commonwealth. Most specifically, Virginia Code § 23.1-224 mandates that SCHEV adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. These proposed revisions within the category of agency action contemplated within SCHEV's duties and authorities.

Additionally, the Virginia Code, specifically, provides that certain an agency actions shall be exempt from the provisions of the Administrative Processes Act (APA) and the Virginia Register Act (VRA). The agency action cited above is exempt under both Virginia Code § 2.2-4002 and § 2.2-4006 as the agency action relates to grants of state funds or property (§ 2.2-4002.B.4. and Necessary to conform to changes in Virginia statutory law (§ 2.2-4006.A.4.a.)).

Please feel free to contact me at 804-786-0096 if you have any questions regarding this submission or if you require additional information.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ramona L. Taylor".

Ramona L. Taylor
Assistant Attorney General