



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Emily V. Webb, Director
Office of Board Relations
Virginia Department of Education

From: Susan B. Williams
Assistant Attorney General

A handwritten signature in cursive script, appearing to read "Susan B. Williams".

Date: March 8, 2017

Re: Final Regulation 8VAC20-671-710 *Regulations Governing the Operation of Private Day Schools for Students with Disabilities and Educational Programs Offered in Group Homes and Residential Facilities in the Commonwealth* (Fast Track) (Action 4686/Stage 7725)

I have reviewed the final regulation identified above to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport with applicable state law. Pursuant to the *Code of Virginia* §22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, pursuant to §22.1-321.1 of the *Code of Virginia*, the Board is required to promulgate regulations for the possession and administration of epinephrine in every school for students with disabilities.

It is this Office's view that the Board has the authority to adopt this fast-track regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 17 (2014), and that the Board has not exceeded that authority.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-8721 or by electronic mail at swilliams@oag.state.va.us. Thank you.

cc: Ronald C. Forehand, Sr. Assistant Attorney General and Section Chief
Mona H. Siddiqui, Assistant Attorney General