



**COMMONWEALTH of VIRGINIA**  
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January 29, 2013

Dr. Patricia Wright  
Superintendent of Public Instruction  
Virginia Department of Education  
James Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Regulations Governing Unexcused Absences and Truancy (8 VAC 20-730-10)**

Dear Dr. Wright:

You ask whether the Department Education possesses the requisite authority to promulgate the above-referenced regulations.

Va. Code Ann. § 22.1-16 vests the Department with the authority to "promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [title 22.1]." Section 22.1-269 of the code provides that the Board of Education shall have the authority and it shall be its duty" to see that the compulsory attendance statutes are "properly enforced throughout the Commonwealth." I also find that the proposed regulations are consistent with the statutory grant of authority to promulgate them and are internally consistent. The proposed regulations do not appear to run afoul of state or federal statutes. I further find that the proposed regulations have no Constitutional defect.

The foregoing represents my view as your legal counsel but is not an official Opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Respectfully,

Jake A. Belue  
Assistant Attorney General