



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** PATRICIA I. WRIGHT, PhD  
Superintendent of Public Instruction  
Virginia Department of Education

**FROM:** NOËLLE L. SHAW-BELL  
Assistant Attorney General III

**DATE:** June 13, 2013

**SUBJECT:** Proposed Regulation 8 VAC 20-131-5 and 8 VAC 20-131-85  
Regulations Establishing the Standards for Accrediting Public Schools in Virginia

I have reviewed the attached proposed regulation to determine if the State Board of Education (Board) has the authority to promulgate the regulation and if the proposed regulation comports with applicable state law.

Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Additionally, pursuant to the Virginia Code § 22.1-253.13:3, the Board has authority to establish standards for and to promulgate regulations governing accreditation for Virginia's public schools.

It is this Office's view that the State Board of Education has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0006.

cc. Ronald C. Forehand, Sr. Assistant Attorney General and Section Chief