



# **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:** May 6, 2013

**SUBJECT:** Fast-Track Final Regulation 8 VAC 20-720-170  
Regulations Governing Local School Boards and School Divisions

I have reviewed the attached fast-track regulation to determine if the changes made to the final regulation exceed the statutory authority of the State Board of Education (Board) to promulgate the regulation and if the fast-track regulation comports with applicable state law.

Pursuant to the Constitution of Virginia, Article VIII, § 5(d), the Board has authority to approve textbooks and other materials for Virginia's public schools. Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties.

It is this Office's view that the State Board of Education has the authority to promulgate the final regulation, pursuant to the fast-track process, 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