



COMMONWEALTH of VIRGINIA
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August 28, 2003

Dr. JoLynne DeMary
Superintendent of Public Instruction
Virginia Department of Education
Monroe Building
101 N. 14th Street
Richmond, Virginia 23219

Re: Emergency Regulations Governing the General Achievement Diploma (8 VAC 20-680)

Dear Dr. DeMary:

You asked that I review and advise you concerning whether the Virginia Board of Education possesses the requisite statutory authority to promulgate the above regulations.

In 2003, the General Assembly enacted Chapter 688, codified in Va. Code §§ 22.1-253.13:4 and 22.1-254, which created a "General Achievement Diploma," required the Board of education to "establish, by regulation, requirements for the award of a general achievement diploma for those persons who have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (iii) satisfied other requirements as may be established by the Board for the award of such diploma," and provided that persons could earn a "general achievement diploma" through general educational development (GED) test performance.

This statutory enactment, along with the Board's constitutional authority under Art. VIII, §§ 4 and 5 of the Constitution of Virginia (1971), provide the requisite authority for the Board to promulgate the above referenced regulations.

I hope that this information is helpful to you, even though this letter not an official opinion of the Attorney General rendered under Va. Code § 2.2-505.

Please feel free to call me if you have any further questions.

Sincerely,

Joan W. Murphy
Senior Assistant Attorney General