



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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## MEMORANDUM

**TO:** MELISSA L. LUCHAU  
Director for Board Relations  
Virginia Department of Education

**FROM:** WENDELL C. ROBERTS  
Assistant Attorney General

A handwritten signature in blue ink that reads "Wendell C. Roberts".

**DATE:** September 22, 2014

**SUBJECT:** Repeal of *Regulations Governing the Approval of Correspondence Courses for Home Instruction (8 VAC 20-60-10 et seq.)* and simultaneous amendment of *Regulations Governing Driver Education (8 VAC 20-340-10 et seq.)*. (Action 3386 / Stage 6797).

I have reviewed the proposed regulation, the text of which was electronically mailed to me on July 24, 2014, to determine if the State Board of Education (Board) has the authority to repeal the proposed regulation and amend the proposed regulations and whether such actions comport with applicable state law. Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate and repeal 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 driver education programs.

It is this Office's view that the State Board of Education has the authority to amend the proposed regulations and repeal the proposed regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

If you have any questions, please feel free to call me at 804-371-8721.

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