



**COMMONWEALTH of VIRGINIA**  
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*Richmond 23219*

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**MEMORANDUM**

**TO:** Dr. Lisa Coons  
Superintendent of Public Instruction  
Virginia Department of Education

**FROM:** Deborah A. Love *DAL*  
Senior Assistant Attorney General

**DATE:** December 8, 2023

**SUBJECT:** Regulations Establishing Standards for Accrediting Public Schools in  
Virginia - 8 VAC 20-131-260

I have reviewed the amendment to the regulation identified above in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulation and if the regulation comports with applicable state law.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, § 22.1-253.13:3 of the *Code of Virginia* specifically requires the Board to promulgate regulations establishing standards for accreditation of Virginia's public schools. Finally, amendment to the regulation is required to comport with § 22.1-137.2 of the *Code of Virginia*, as amended by Chapter 26 of the 2021 Special Session I Acts of Assembly.

It is my view that the Board has the authority to adopt these fast-track regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act. It is further my

view that this action remains subject to Governor Executive Order 14 (2018)<sup>1</sup>, and that the Board has not exceeded its authority.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804)786-3807 or by electronic mail at [dlove@oag.state.va.us](mailto:dlove@oag.state.va.us).

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<sup>1</sup> This Executive Order has been replaced by Executive Order 19 (2022), which by its terms applies to regulatory activity initiated on or after July 1, 2022. The subject regulation was initiated prior to July 1, 2022, and so is not governed by EO 19 (2022).