



COMMONWEALTH of VIRGINIA

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MEMORANDUM

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

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

DATE: April 14, 2014

SUBJECT: Proposed Regulation 8 VAC 20-30-20: Minimum Requirements for Adult High School Programs and Proposed Repeal of 8 VAC 20-680-10 to 8 VAC 20-680-20: Regulations Governing the General Achievement Diploma to comport with Legislative Changes Made by the 2012 General Assembly in HB 1061 and SB 489

I have reviewed the proposed regulation and proposed repeal as posted on Virginia Regulatory Townhall at the time of this writing to determine if they exceed the statutory authority of the State Board of Education (Board).

Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Pursuant to the legislative changes made to the Virginia Code § 22.1-253.13:4 in HB 1061 and SB 489, the Board has specific authority to promulgate this regulation and the corresponding repeal.

It is this Office's view that the State Board of Education has the authority to promulgate this regulation and repeal, 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