



**COMMONWEALTH of VIRGINIA**  
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September 10, 2012

Dr. Patricia Wright  
Superintendent of Public Instruction  
Virginia Department of Education  
James Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131)**

Dear Dr. Wright:

You ask whether the Department Education possesses the requisite authority to promulgate the above-referenced regulations.

I find that chapter 454 of the Acts of Assembly (2012) (HB 1061 and SB 489) requires that "the Board of Education shall eliminate technical diplomas that have not been implemented and shall promulgate regulations to implement the other provisions of this act to be effective within 280 days of its enactment." The act contains changes to section 22.1-253.13:4 of the Virginia Code.

Va. Code Ann. § 22.1-16 vests the Department with the authority to "promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [title 22.1]." I also find that the proposed regulations are consistent with the statutory grant of authority to promulgate them and are internally consistent. The proposed regulations do not appear to run afoul of state or federal statutes. I further find that the proposed regulations have no Constitutional defect.

The foregoing represents my view as your legal counsel but is not an official Opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Respectfully,

Jake A. Belue  
Assistant Attorney General