



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Emily V. Webb, Director
Office of Board Relations
Virginia Department of Education

From: Susan B. Williams
Assistant Attorney General

A handwritten signature in black ink, appearing to read "Susan B. Williams".

Date: November 17, 2017

Re: Final Regulation 8VAC20-131-5 et seq. *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Action 4019 /Stage 8092)

I have reviewed the final regulation identified above 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 the *Code of Virginia* § 22.1-16, 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, Chapter 720 and Chapter 750 of the 2016 Acts of Assembly direct the Board to promulgate regulations to implement the Profile of a Virginia Graduate and associated revised graduation requirements, which is accomplished through this regulation.

It is this Office's view that the Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 17 (2014), and that the Board has not exceeded that authority.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-8721 or by electronic mail at swilliams@oag.state.va.us. Thank you.

cc: Carrie S. Nee, Senior Assistant Attorney General/Section Chief