



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: April 5, 2018

Re: Proposed Emergency Amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* [8 VAC 20 - 131] (Action 5014 / Stage 8236) (**Emergency/NOIRA Stage**)

I have reviewed the version of proposed emergency amendments to the regulation identified above that were submitted to the Virginia Regulatory Town Hall on April 4, 2018 at 11:25 AM 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 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.

It is this Office's view that the above-referenced amendments are within the Board of Education's statutory authority pursuant to *Code of Virginia* §§ 2.2-4011, 22.1-16, and 22.1-253.13:3 and subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 17 (2014).

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