



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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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 that reads "Susan B. Williams".

Date: December 14, 2018

Re: Amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*
[8 VAC 20 - 131] (Fast Track) (Action 5187/Stage 8481)

I have reviewed the version of the amendments to the regulation identified above that were submitted to the Virginia Regulatory Town Hall on December 14, 2018 at 10:12 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. Finally, the Board is proposing amendments to *Regulations Establishing Standards for Accrediting Public Schools in Virginia* that are necessary for the regulations to comport with legislative changes made by the General Assembly during the 2018 Session and 2018 Special Session I.

It is the view of this Office that the Board has the authority to adopt this fast-track regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 14 (2018), 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