



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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MEMORANDUM

To: Jim Chapman, Director
Office of Board Relations
Virginia Department of Education

From: Jane W. Chiffriller
Assistant Attorney General

Date: August 8, 2025

Re: Periodic Review of *Regulations for the School Breakfast Program* [8 VAC20-580] (Review 2552)

Consistent with the provisions of § 2.2-4017 of the *Code of Virginia* and Executive Order 19 (2022) and the procedures for the Office of Regulatory Management required by Executive Order 19, I have reviewed the above-referenced regulatory action to ensure general statutory authority to promulgate the regulation and to identify any specific authority for the regulation under periodic review.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board of Education has authority to promulgate regulations to carry out its statutory powers and duties. In addition, *Code of Virginia* § 22.1-207.3 requires the Board to promulgate regulations for the implementation of the school breakfast program.

Thus, it is the view of this Office that the Board has general statutory authority to promulgate regulations and a specific statutory mandate to promulgate regulations pertaining to the school breakfast program.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-0343 or by electronic mail at jchiffriller@oag.state.va.us.