



COMMONWEALTH of VIRGINIA

Office of the Attorney General

MEMORANDUM

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To: Melissa L. Luchau
Director for Board Relations
Virginia Department of Education

From: Mona H. Siddiqui
Assistant Attorney General

A handwritten signature in black ink, appearing to read "Mona H. Siddiqui".

Date: June 1, 2016

Re: Proposed Regulation 8 VAC 20-521 Regulations Governing Reduction of State Aid When Length of School Terms Below 180 Teaching Days or 990 Teaching Hours (Action 4477/Stage 7387)

I have reviewed the proposed regulation stated above to determine whether the State Board of Education (Board) has the authority to promulgate the regulation and if the proposed 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. Additionally, pursuant to the *Code of Virginia* §22.1-98, the Board has authority to prescribe by regulation the circumstances under which state aid to school divisions shall be reduced when the length of the school term falls below 180 teaching days or 990 teaching hours.

It is this Office's view that the Board has the authority to promulgate this proposed 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 has not exceeded that authority. In accordance with the provisions of §2.2-4006(A)(4)(a), the proposed amendments to these regulations are solely to align them with the changes made to the 2015 General Assembly by the adoption of SB1021. The Virginia Department of Education had no discretion.

If you have any questions or concerns, please contact me at the address above, by telephone at (804) 786-1068 or by electronic mail at msiddiqui@oag.state.va.us. Thank you.

Cc: Ronald C. Forehand, Sr. Assistant Attorney General and Section Chief
Wendell C. Roberts, Assistant Attorney General