



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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Dr. Patricia Wright
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building
101 North 14th Street
Richmond, VA 23219

Re: Nutritional Guidelines for Competitive Foods Sold in the Public Schools (8 VAC 20-740)

Dear Dr. Wright:

You ask whether the Department Education possesses the requisite authority to promulgate the above-referenced regulations.

I find that Va. Code Ann. § 22.1-207.4 vests the Department of Education with the authority to promulgate “regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours.” I also find that the proposed regulations are consistent with the statutory grant of authority to promulgate them, are consistent with the statutes, and are internally consistent. The proposed regulations do not appear to run afoul of state or federal statutes. I further find that the proposed regulations have no Constitutional defect.

The foregoing represents my view as your legal counsel but is not an official Opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Respectfully,

Jake A. Belue
Assistant Attorney General