



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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January 10, 2012

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

Re: Regulations Governing Driver Education (8 VAC 20-340)

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. § 22.1-205 requires the Department of Education (Department) to "approve correspondence courses for the classroom training component of driver education." Va. Code Ann. § 22.1-16 vests the Department with the authority to "promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [title 22.1]." I also find that the proposed regulations are consistent with the statutory grant of authority to promulgate them 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