



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: MELISSA L. LUCHAU
Director of Board Relations
Virginia Department of Education

FROM: MONA H. SIDDIQUI *Mona Siddiqui*
Assistant Attorney General

DATE: June 9, 2015

SUBJECT: Repeal of *Regulations Governing the General Achievement Diploma* (8 VAC 20-680) and permanent amendment of *Regulations Governing Adult High School Programs* (8 VAC 20-30-20). (Action 3745 / Stage 7234).

I have reviewed the proposed regulations, the text of which was electronically mailed to me on May 14, 2015, to determine if the Virginia Board of Education has the authority to amend the proposed regulations and repeal the proposed regulations, and whether such actions comport with applicable state law. Pursuant to the *Code of Virginia* § 22.1-16, the Virginia Board of Education has the authority to promulgate and repeal regulations to carry out its statutory powers and duties. Additionally, pursuant to the *Code of Virginia* § 22.1-253.13:4, the Virginia Board of Education has the authority to establish standards for and to promulgate regulations governing adult high school programs.

It is this Office's view that the Virginia Board of Education has the authority to repeal the *Regulations Governing the General Achievement Diploma* and amend the proposed *Regulations Governing Adult High School Programs*, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

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

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