



COMMONWEALTH of VIRGINIA

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MEMORANDUM

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

FROM: NOËLLE L. SHAW-BELL
Assistant Attorney General III

DATE: April 14, 2014

SUBJECT: Comprehensive Review of the Standards of Accreditation
Proposed Regulation 8 VAC 20-131: Regulations Establishing Standards for Accrediting
Public Schools in Virginia

I have reviewed the proposed regulation as posted on Virginia Regulatory Townhall at the time of this writing to determine if it exceeds the statutory authority of the State Board of Education (Board).

Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Specifically, pursuant to Virginia Code § 22.1-253.13:3, the Board has specific authority to promulgate this regulation.

It is this Office's view that the State Board of Education has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and subject to agreement to correct the citation typographical error in the proposed 8 VAC 20-131-70(B), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0006.

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