



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Emily V. Webb, Director
Office of Board Relations
Virginia Department of Education

From: Susan B. Williams
Assistant Attorney General

A handwritten signature in black ink that reads "Susan B. Williams".

Date: April 17, 2018

Re: Repeal of *Regulations Governing the Minimum Standards for the Accreditation of Child Day Programs Serving Children of Preschool Age or Younger in Public Schools* (8VAC20-590-10 et seq.) and *Regulations Governing the Minimum Standards for the Accreditation of Child Day Programs Serving School Age Children Offered in Public Schools* (8VAC20-600-10 et seq.) (Fast Track) (Action 5038 /Stage 8258)

I have conducted a review to determine whether the State Board of Education (Board) has the requisite authority to repeal the above-identified regulations.

Pursuant to the *Code of Virginia* § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Such authority necessarily carries with it the authority to repeal regulations as the Board deems appropriate.

It is this Office's view that the Board has the authority to repeal these regulations using the fast-track process, 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 that the Board has not exceeded that authority.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-8721 or by electronic mail at swilliams@oag.state.va.us. Thank you.

cc: Carrie S. Nee, Senior Assistant Attorney General/Section Chief