



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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

From: Susan B. Williams
Senior Assistant Attorney General

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

Date: August 12, 2019

Re: Proposed Revisions to the Regulations Governing the Collection and Reporting of Truancy (8VAC20-730) (Fast Track) (Action 5282 / Stage 8625)

I have reviewed the version of the amendments to the regulation identified above that were submitted to the Virginia Regulatory Town Hall on July 29, 2019 at 3:24 PM in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulation and if the regulation comports with applicable state law.

Pursuant to the *Code of Virginia* § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties.

In addition, § 22.1-269 of the *Code of Virginia* specifically requires the Board to enforce the Commonwealth's compulsory school attendance provisions as set forth in Article I, Chapter 14 of Title 22.1 of the *Code of Virginia*. Finally, the Board is proposing amendments to the *Regulations Governing the Collection and Reporting of Truancy* that are necessary for the regulations to comport with legislative changes made by the 2018 General Assembly.

It is the view of this Office that the Board has the authority to adopt this fast-track regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 14 (2018), 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: Deborah A. Love, Senior Assistant Attorney General/Acting Section Chief