



COMMONWEALTH of VIRGINIA

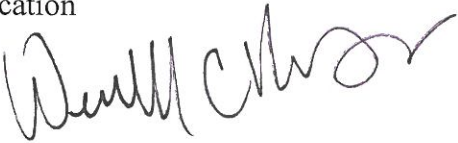
Office of the Attorney General

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MEMORANDUM

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

FROM: WENDELL C. ROBERTS
Assistant Attorney General 

DATE: September 24, 2015

SUBJECT: *Proposed Regulations Governing Unexcused Absences and Truancy (8 VAC 20-730) (Action 3329 / Stage 6444)*

I have reviewed the proposed regulation, which included a technical correction, to determine if the State Board of Education (Board) has the authority to promulgate the regulation and if the proposed regulation comports with applicable state law. Pursuant to *Virginia Code* §22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Additionally, §22.1-269 of the *Code* provides that the Board shall have the authority and it shall be its duty to see that the compulsory attendance statutes are "properly enforced throughout the Commonwealth." Finally, §22.1-258 of the *Code* governs the appointment and authority of school attendance officers who are charged with the enforcement of the *Code* provisions associated with compulsory school attendance.

It is this Office's view that the State Board of Education has the authority to promulgate this proposed regulation, 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, please feel free to call me at 804-371-8721.

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