



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: NOËLLE L. SHAW-BELL
Assistant Attorney General III

DATE: November 22, 2013

SUBJECT: Proposed Regulation 8 VAC 20-131-5: Action 3746, Stage 6704
Permanent Regulations Establishing the Standards for Accrediting Public Schools in Virginia to Replace Emergency Regulations Comporting with Legislative Changes made by HB 1061 and SB 489: Diploma Requirements

I have reviewed the proposed regulation, the text of which was electronically mailed to me on September 25, 2013, 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, pursuant to the Virginia Code § 22.1-253.13:3, the Board has authority to establish standards for and to promulgate regulations governing accreditation for Virginia's public schools.

It is this Office's view that the State Board of Education has the authority to promulgate this permanent proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), 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