



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
Senior Assistant Attorney General

A handwritten signature in black ink, appearing to read "Susan B. Williams".

Date: December 17, 2021

Re: Amendments to the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* [8 VAC 20 - 81] (Fast Track) (Action 5882 /Stage 9498)

I have reviewed the amendments to the regulations identified above in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport with applicable state law.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, pursuant to § 22.1-216 of the *Code of Virginia*, the Board of Education has the authority to promulgate regulations related to special education programs for children with disabilities.

It is the view of this Office that the Board has the authority to adopt these fast-track regulations, 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.

cc: Deborah A. Love, Senior Assistant Attorney General/Section Chief