



COMMONWEALTH of VIRGINIA
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July 23, 2012

Dr. Patricia Wright
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building
101 North 14th Street
Richmond, VA 23219

Re: Regulations Governing Adult High School Programs (8 VAC 20-30) and Regulations Governing the General Achievement Diploma (8 VAC 20-680)

Dear Dr. Wright:

You ask whether the Department Education possesses the requisite authority to promulgate the above-referenced regulations.

I find that chapter 454 of the Acts of Assembly (2012) (HB 1061 and SB 489) requires the Department of Education (Department) to "promulgate regulations to implement [...] the provisions of [the] act to be effective within 280 days of its enactment." The act contains changes to §§ 22.1-253.13:4 and 22.1-254 of the Virginia Code. Va. Code Ann. § 22.1-16 vests the Department with the authority to "promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [title 22.1]." I also find that the proposed regulations are consistent with the statutory grant of authority to promulgate them and are internally consistent. The proposed regulations do not appear to run afoul of state or federal statutes. I further find that the proposed regulations have no Constitutional defect.

The foregoing represents my view as your legal counsel but is not an official Opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Respectfully,

Jake A. Belue
Assistant Attorney General