



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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MEMORANDUM

To: Jim Chapman, Director
Office of Board Relations
Virginia Department of Education

From: Deborah A. Love *DAL*
Senior Assistant Attorney General/Section Chief

Date: February 11, 2025

Re: Periodic Review of *Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours* [8 VAC20-521] (Review 2522)

Consistent with the provisions of § 2.2-4017 of the *Code of Virginia* and Executive Order 19 (2022) and the procedures for the Office of Regulatory Management required by Executive Order 19, I have reviewed the above-referenced regulatory action to ensure general statutory authority to promulgate the regulation and to identify any specific authority for the regulation under periodic review.

Code of Virginia § 22.1-98 addresses the reduction of state aid when the length of a school term falls below 180 days or 990 hours and specifies the requirements school boards must meet to avoid penalty, either by making up time missed because of severe weather conditions or other emergency situations and/or by requesting a waiver from the Board. Pursuant to § 22.1-16 of the *Code of Virginia*, the Board of Education has authority to promulgate regulations as may be necessary to carry out its statutory powers and duties and the provisions of Title 22.1 of the *Code of Virginia*. There is no specific statutory authority or mandate pertaining to the Board's role in these matters.

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Thus, it is the view of this Office that the Board has general statutory authority to promulgate regulations pertaining to *Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours* [8 VAC20-521]

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 786-3807 or by electronic mail at DLove@oag.state.va.us.