



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

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

FROM: NOËLLE L. SHAW-BELL
Assistant Attorney General III

DATE: August 2, 2013

SUBJECT: Fast-Track Repeal of Regulation 8 VAC 20-700-10 through 8 VAC 20-700-50
Regulations for Conducting Division-Level Academic Reviews

I have reviewed the attached fast-track regulation to determine if its repeal exceeds the statutory authority of the State Board of Education (Board) and if the fast-track process for this repeal 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. Pursuant to Senate Bill 1201, which passed the General Assembly with a unanimous vote in 2013, the 2004 enactment clause which mandated these regulations has now been repealed. Consequently, it is this Office's view that the State Board of Education has the authority to repeal this regulation, pursuant to the fast-track process, 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