



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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To: Emily V. Webb, Director
Office of Board Relations
Virginia Department of Education

From: Susan B. Williams
Assistant Attorney General

A handwritten signature in black ink, appearing to read "Susan B. Williams", written over the printed name.

Date: September 10, 2019

Re: Revisions to the Standards of Accreditation to Comport with Legislation passed by the 2019 General Assembly [8VAC20-131] (*Exempt Action*) (Action 5350 / Stage 8708)

I have reviewed the version of the final regulation identified above that was submitted to the Virginia Regulatory Town Hall on August 14, 2019 at 11:44 am in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulation and if the regulation comports with applicable state law.

Pursuant to the *Code of Virginia* § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, § 22.1-253.13:3 of the *Code of Virginia* specifically requires the Board to promulgate regulations establishing standards for accreditation of Virginia's public schools. Finally, these revisions to the regulations are required by Chapter 139 and Chapter 576 of the 2019 Acts of Assembly.

It is the view of this Office that the Board has the authority to promulgate this final regulation, subject to compliance with Virginia Office of the Governor Executive Order 14 (2018), and that the Board has not exceeded that authority. It is also this Office's view that this regulatory action is exempt from Article 2 of the Administrative Process Act pursuant to *Code of Virginia* § 2.2-4006 (A)(4)(a).

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. Thank you.

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