



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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

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

DATE: April 17, 2014

SUBJECT: Comprehensive Revision of the Regulations Governing the Review & Approval of Education Programs; Proposed Regulation 8 VAC 20-542

I have reviewed the proposed regulation as emailed to me on February 12, 2014 to determine if it exceeds the statutory authority of the State Board of Education (Board).

Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Pursuant to Virginia Code §§ 22.1-298.2 and 22.1-305.2, the Board has specific authority to promulgate this regulation.

It is this Office's view that the State Board of Education has the authority to promulgate this regulation, 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