



## ***COMMONWEALTH of VIRGINIA***

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### **MEMORANDUM**

**TO:** Emily Anne Gullickson  
Superintendent of Public Instruction  
Virginia Department of Education

**FROM:** Deborah A. Love  
Senior Assistant Attorney General

**DATE:** February 4, 2025

**SUBJECT:** Certification of Regulations Governing the Collection and Reporting of Truancy-Related Data and Student Attendance (8VAC20-730) [Repeal]; Regulations Governing Local School Boards and School Divisions (8VAC20-720) [Amend] – Fast-Track

I have reviewed the amendments to the regulations identified above in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport with applicable state law.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board has authority to promulgate regulations to carry out its statutory powers and duties.

It is my view that the Board has the authority to adopt these fast-track regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 19 (2022), and that the Board has not exceeded that authority. The changes do not conflict with state or federal law.

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](mailto:dlove@oag.state.va.us).