



COMMONWEALTH of VIRGINIA
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MEMORANDUM

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

From: J.C. LaRiviere
Assistant Attorney General

Date: October 20, 2026

Re: Certification of Regulations Governing Nutritional Standards for Competitive Foods Available for Sale in the Public Schools (8VAC20-740) [Repeal]; Regulations Governing Local School Boards and School Divisions (8VAC20-720) [Amend] – Fast-Track

I have reviewed the amendments to the regulations identified above to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport with applicable 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. Specific authority is provided by Code of Virginia § 22.1-207.4 which requires the Board to have regulations setting nutritional guidelines for all competitive foods.

It is my view that the Board has the authority to repeal and amend these regulations via the fast-track regulatory action process, subject to compliance with the provisions of Article 2 of the

Administrative Process Act and that the Board has not exceeded that authority. The changes do not conflict with federal or state law.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-0667 or by electronic mail at JLaRiviere@oag.state.va.us.