



COMMONWEALTH of VIRGINIA
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July 28, 2004

Dr. Jo Lynne DeMary
Superintendent of Public Instruction
Department of Education
Monroe Building
101 North 14th Street
Richmond, VA 23219

Re: Repeal of Rules Governing Public School Construction (Literary Fund)
(8 VAC 20-380-10)

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to repeal the above Rules Governing Public School Construction (Literary Fund), 8 VAC 20-380-10.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In the time since the adoption of the above-referenced regulations, the Board has adopted separate Regulations Governing Literary Loan Applications in Virginia, 8 VAC 20-100-10. At the time of this more recent adoption, the older regulations should have been repealed; at a minimum, they are unnecessary. Repeal of these regulations is an appropriate and advisable course of action.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah Love Feild
Senior Assistant Attorney General

