



# 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:** Mona H. Siddiqui  
Assistant Attorney General

A handwritten signature in black ink, appearing to read "Mona H. Siddiqui".

**Date:** June 23, 2016

**Re:** Proposed Regulation 8 VAC 20-90-10 et. seq. Procedure for Adjusting Grievances  
(Action 4027/Stage 7561)

I have reviewed the proposed regulations stated above to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the proposed regulations comport 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. Additionally, pursuant to the *Code of Virginia* §22.1-308, the Board has authority to prescribe by regulation a grievance procedure for teachers.

It is this Office's view that the Board has the authority to promulgate this proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 17 (2014), and has not exceeded that authority.

If you have any questions or concerns, please contact me at the address above, by telephone at (804) 786-1068 or by electronic mail at [msiddiqui@oag.state.va.us](mailto:msiddiqui@oag.state.va.us). Thank you.

**Cc:** Ronald C. Forehand, Sr. Assistant Attorney General and Section Chief

Wendell C. Roberts, Assistant Attorney General