



COMMONWEALTH of VIRGINIA

Office of the Attorney General

MEMORANDUM

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To: Melissa L. Luchau
Director for Board Relations
Virginia Department of Education

From: Mona H. Siddiqui *MHS*
Assistant Attorney General

Date: July 29, 2015

Re: Proposed Regulation 8 VAC 20-22-10 et seq. Licensure Regulations for School Personnel (*Exempt Action*) (Action 4386 - Stage 7261)

I have reviewed the proposed regulation, the text of which was electronically mailed to me on July 15 2015, to determine whether the Virginia Board of Education (Board) has the authority to amend the proposed regulations and repeal the proposed regulations, and whether such action comports with applicable state law. Pursuant to *Code of Virginia* §22.1-16, the Board has the authority to promulgate regulations and repeal regulations to carry out its statutory powers and duties. Additionally, pursuant to the *Code of Virginia* §22.1-298.1, the Board has the authority to establish standards for and prescribe by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.

It is this Office's view that the Board has the authority to promulgate this proposed regulation, subject to compliance with Virginia Office of the Governor Executive Order 17 (2014), and has not exceeded that authority. It is also this Office's view that this regulatory action is exempt from Article 2 of the Administrative Process Act. In accordance with the provisions of §2.2-4006(A)(4)(a), the proposed amendments to these regulations are solely to align them with the changes made during the 2013 General Assembly by the adoption of HB 2151, SB 1223, HB 2084, and SB 1175; and the changes made during the 2015 General Assembly by the adoption of HB 1320 and HB 2137. The Virginia Department of Education had no discretion.

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. Thank you.

cc: Ronald C. Forehand, Sr. Assistant Attorney General and Section Chief
Wendell C. Roberts, Assistant Attorney General