



COMMONWEALTH of VIRGINIA

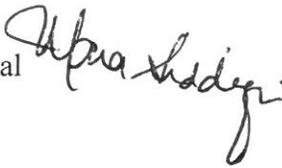
Office of the Attorney General

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MEMORANDUM

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

From: Mona H. Siddiqui
Assistant Attorney General 

Date: June 7, 2016

Re: Proposed Regulation 8 VAC 20-70 Regulations Governing Pupil Transportation
(*Exempt Action*) (Action 1176/Stage 7386)

I have reviewed the proposed regulation stated above to determine whether the State Board of Education (Board) has the authority to promulgate the regulation and if the proposed regulation comports 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* §22.1-177, the Board has authority to promulgate regulations governing pupil transportation as they relate to the construction, design, operation, equipment, and color of public school buses; and shall have the authority to issue an order prohibiting the operation on public streets and highways of any public school bus that does not comply with such regulations.

It is this Office's view that the Board has the authority to promulgate this proposed regulation, subject to compliance with the 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 to the 2015 General Assembly by the adoption of HB 1952. 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