



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** MELISSA L. LUCHAU  
Director for Board Relations  
Virginia Department of Education

**FROM:** NOËLLE L. SHAW-BELL  
Assistant Attorney General III

**DATE:** November 14, 2013

**SUBJECT:** Proposed Regulation 8 VAC 20-22-10 through -110  
Licensure Regulations for School Personnel  
Update for Legislative Changes Made by the 2012 General Assembly

I have reviewed the attached proposed regulation to determine if it exceeds the statutory authority of the State Board of Education (Board).

Pursuant to Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Pursuant to the legislative changes made to the Virginia Code § 22.1-298.1 in HB 578, the Board has specific authority to promulgate this regulation.

It is this Office's view that the State Board of Education has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0006.

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