



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Emily V. Webb, Director
Office of Board Relations
Virginia Department of Education

From: Susan B. Williams
Senior Assistant Attorney General

A handwritten signature in black ink that reads "Susan B. Williams".

Date: September 11, 2020

Re: Amendments to the *Licensure Regulation for School Personnel* to Comport with Legislation [8 VAC 20 - 23] (Fast Track) (Action 5387 /Stage 8762)

I have reviewed the version of the amendments to the regulation identified above that were submitted to the Virginia Regulatory Town Hall on August 26, 2020 at 9:51 am in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulation and if the 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. In addition, pursuant to the *Code of Virginia* §22.1-298.1, the Board has the authority to prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Finally, these revisions to the regulations are required by legislation approved by the General Assembly during the 2017, 2018 and 2019 Sessions.

It is the view of this Office that the Board has the authority to adopt this fast-track regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 14 (2018), and that the Board has not exceeded that authority.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-8721 or by electronic mail at swilliams@oag.state.va.us. Thank you.

cc: Deborah A. Love, Senior Assistant Attorney General/Section Chief