



COMMONWEALTH of VIRGINIA
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Jason S. Miyares

To: James Chapman, Director
Office of Board Relations
Virginia Department of Education

From: Deborah A. Love *DAL*
Senior Assistant Attorney General/Chief

Date: March 29, 2024

Re: Proposed Amendments to the *Procedures for Adjusting Grievances* to Comport with Legislation from the 2020 and 2021 General Assembly (8VAC20-90)

I have reviewed the amendments to the regulations identified above in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport with applicable state law.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, pursuant to § 22.1-308 of the *Code of Virginia*, the Board of Education has the duty to prescribe a grievance procedure that includes the provisions of §§ 22.1-309 through 313 of the *Code of Virginia*.

It is the view of this Office that the Board has the authority to adopt these fast-track regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act, 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)786-3807 or by electronic mail at dlove@oag.state.va.us.