



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

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

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

DATE: May 8, 2014

SUBJECT: Regulations Governing the Employment of Professional Personnel
Proposed Regulation 8 VAC 20-441-10, *et seq.*, and Repeal of 8 VAC 20-440-10, *et seq.*

I have reviewed the proposed regulation and corresponding repeal as emailed to me on March 19, 2014 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 Virginia Code §§ 22.1-293, 22.1-295, 22.1-302 and 22.1-303, in addition to other specific authority identified in the regulation itself, 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 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