



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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

FROM: WENDELL C. ROBERTS
Assistant Attorney General

A handwritten signature in black ink, appearing to read "Wendell C. Roberts".

DATE: July 7, 2014

SUBJECT: Amend *Regulations Governing the Procedure for Adjusting Grievances. 8 VAC 20-90 et. seq.*

I have reviewed the proposed regulation, the text of which was electronically mailed to me on June 4, 2014, to determine if 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 Virginia Code § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. Additionally, pursuant to the Virginia Code §§ 22.1-308, 309, and 314, the Board has authority to prescribe a grievance procedure for dismissal and other disciplinary actions, and adopt a process to decide the issue of grievability.

It is this Office's view that the State Board of Education has the authority to promulgate this proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

If you have any questions, please feel free to call me at 804-371-8721.

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