



COMMONWEALTH of VIRGINIA


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MEMORANDUM

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

FROM: WENDELL C. ROBERTS 
Assistant Attorney General

DATE: November 18, 2014

SUBJECT: Proposed Regulation 8 VAC 20-22: (Action 4281, Stage 7095) *Licensure Regulations for School Personnel* (Exempt Action)

I have reviewed the proposed regulation, the text of which was electronically mailed to me on November 5, 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 § 22.1-298.1, the Board has authority to establish standards for and to prescribe by regulation the requirements for licensure of teachers.

It is this Office's view that the State Board of Education has the authority to promulgate this permanent proposed regulation, subject to compliance Executive Order 17 (2014), and has not exceeded that authority. It is also this Office's view that this regulatory action is exempt from Article 2 of the Administrative Process Act. In accordance with the provisions of §2.2-4006(A)(4)(a), the proposed amendments to this regulation are solely to align them with the changes made to the 2014 General Assembly by the adoption of House Bill 758 and House Bill 373. The Virginia Department of Education had no discretion.

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