



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

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

**From:** Susan B. Williams  
Assistant Attorney General

A handwritten signature in black ink, appearing to read "Susan B. Williams".

**Date:** March 26, 2019

**Re:** Final *Licensure Regulations for School Personnel* [8 VAC 20-23] (*Exempt Action*) (Action 5236 /Stage 8555)

I have reviewed the version of the final regulation identified above that was submitted to the Virginia Regulatory Town Hall on March 8, 2019 at 4:41 pm 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.

It is the view of this Office that the Board has the authority to promulgate this final regulation, subject to compliance with Virginia Office of the Governor Executive Order 14 (2018), and that the Board 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)(3), the proposed amendment to this regulation consists only of the correction of a technical error.

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](mailto:swilliams@oag.state.va.us). Thank you.

cc: Carrie S. Nee, Senior Assistant Attorney General/Section Chief