



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
Senior Assistant Attorney General

A handwritten signature in black ink that reads "Susan B. Williams".

Date: August 20, 2020

Re: Revisions to the *Regulations Governing the Employment of Professional Personnel* to Comport with Legislation passed by the 2020 General Assembly [8 VAC 20 - 441] (Exempt Action) (Action 5573 / Stage 9029)

I have reviewed the version of the final regulation identified above that was submitted to the Virginia Regulatory Town Hall on July 27, 2020 at 4:40 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, these revisions to the regulations are required by Chapter 53 and Chapter 167 of the 2020 Acts of Assembly.

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 pursuant to *Code of Virginia* § 2.2-4006 (A)(4)(a).

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. Thank you.

cc: Deborah A. Love, Senior Assistant Attorney General/Section Chief