



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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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, appearing to read "Susan B. Williams".

Date: August 20, 2020

Re: Proposed Amendments to the *Licensure Regulation for School Personnel* [8 VAC 20 - 23] to Establish a preK-6 Endorsement in Dual Language Instruction (Action 5258 /Stage 9047)

I have reviewed the version of the proposed amendments to the regulation identified above that were submitted to the Virginia Regulatory Town Hall on August 19, 2020 at 4:27 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. Finally, these revisions to the regulations are required by Chapter 391 of the 2018 Acts of Assembly.

It is the view of this Office that the Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 14 (2018), and that the Board has not exceeded that authority.

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