



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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MEMORANDUM

TO: Dr. Lisa Coons
Superintendent of Public Instruction
Virginia Department of Education

FROM: Deborah A. Love *DAL*
Senior Assistant Attorney General

DATE: March 11, 2025

SUBJECT: Amendment to regulation to require each voluntarily registered family day home provider or other caregiver to be trained in epinephrine administration; notification requirements to parents required, 8VAC20-850

I have reviewed the amendments to the regulations identified above to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport with applicable state law.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, § 22.1-289.059 requires the Board to amend its regulations in the manner reflected in the proposed regulations.

It is the view of this Office that the Board has the authority to adopt these fast-track regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 19 (2022), 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)786-3807 or by electronic mail at dlove@oag.state.va.us.