



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jason S. Miyares

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

To: Jim Chapman
Office of Board Relations
Virginia Department of Education

From: Deborah A. Love *DAL*
Senior Assistant Attorney General/Chief

Date: March 22, 2024

Re: 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 9631) – Final

I have reviewed the amendments to the regulation identified above 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 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.