



**COMMONWEALTH of VIRGINIA**  
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Jason S. Miyares

**MEMORANDUM**

**To:** Jim Chapman, Director  
Office of Board Relations  
Virginia Department of Education

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

**Date:** March 25, 2024

**Re:** Amendments to *Licensure Regulations for School Personnel* [8 VAC 20-23] and *Regulations Governing the Review and Approval of Education Programs in Virginia* [8 VAC 20 - 543] to Comport with Federal Guidelines Relating to Accredited Institutions of Higher Education – Fast-Track

I have reviewed the amendments to the regulations 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, the Board's regulatory authority over licensing requirements for school personnel is found in *Code of Virginia* § 22.1-253:2 (A), and § 22.1-298.a (B). Further, inasmuch as the proposed changes are prompted by the changes to terminology in federal regulations (34 C.F.R. Part 600), the agency's conclusion that the proposed changes are noncontroversial appears justifiable. It is my view that the proposed regulatory action is suitable for the fast-track process authorized by *Code of Virginia* § 2.2-4012.1.

It is my view that the Board has the authority to promulgate this regulation, 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](mailto:dlove@oag.state.va.us).