



COMMONWEALTH of VIRGINIA
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Jason S. Miyares

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

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

Date: August 31, 2024

Re: Proposed Amendments to the *Child Care Program Regulations* to Comport with Chapters 122 and 123 of the 2024 Acts of Assembly (8VAC20-790)

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 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, the Board's statutory authority to adopt, develop, or amend regulations for child day programs is found in § 22.1-289.046(A) of the Code of Virginia.

It is my view that the Board has the authority to promulgate this final regulation, and that the Board has not exceeded that authority. It is also my view that this noncontroversial regulatory action is may proceed on fast-track adoption pursuant to *Code of Virginia* § 2.2-4012.1.

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.