



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Jay Jones**  
Attorney General

202 North 9th Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120

**MEMORANDUM**

**TO:** Jenna Conway  
Superintendent of Public Instruction  
Virginia Department of Education

**FROM:** Deborah A. Love  
Senior Assistant Attorney General/Chief  
Education Section

**DATE:** June 9, 2026

**SUBJECT:** Certification of *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543-600) [Amend] – Fast-Track

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 amend the regulation and if the regulation comports 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, pursuant to § 22.1-298.2, the Board has the authority to prescribe, by regulation, the requirements for the accreditation and approval of education preparation programs. Finally, these revisions to the regulation are required by § 23.1-902.1, as amended by Chapter 757 of the 2022 *Acts of Assembly*, which directs the Board to establish definitions and expectations regarding student mastery in science-based reading research and evidence-based literacy instruction. The proposed amendments are consistent with the legislative mandate.

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