



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

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

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

**DATE:** May 6, 2026

**SUBJECT:** Certification of *Licensure Regulations for School Personnel* (8VAC20-23-440)  
[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 § 22.7-298.1, 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 regulation are required by Chapter 552 of the 2025 *Acts of Assembly*, which directs the Board to take certain regulatory action relating to add-on endorsements for mathematics teachers. 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).