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MEMORANDUM

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

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

DATE: June 9, 2026

SUBJECT: Certification of *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543-20) [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 Chapter 186 of the 2025 *Acts of Assembly*, which directs the Board to take certain regulatory action relating to accreditation requirements to provide an alternative for certain programs. 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.