



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

From: Susan B. Williams
Senior Assistant Attorney General

Date: September 11, 2026

Re: Revisions to the *Licensure Regulations for School Personnel* to comport 8VAC20-23-10 and 8VAC20-23-50 with Chapter 794 and Chapter 802 of the 2026 Acts of Assembly (Exempt Action) (Action 7102 / Stage 11309)

I have reviewed the version of the final regulation 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 § 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 is required to "establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel." *Code of Virginia* § 22.1-253.13:2 (A). Moreover, the Board has the duty to "prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license." *Code of Virginia* § 22.1-298.1 (B). Lastly, these regulatory changes are required by Chapter 794 and Chapter 802 of the 2026 Acts of Assembly.

It is my view that the Board has the authority – and duty – to promulgate this final regulation, and that the Board has not exceeded that authority. It is also my view that this regulatory action is exempt from Article 2 of the Administrative Process Act pursuant to *Code of Virginia* § 2.2-4006 (A)(4)(a). It is further my view that this action remains subject to Virginia Office of the Governor Executive Order 17 (2026), and that the Board has not exceeded its authority.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 366-6666 or by electronic mail at swilliams@oag.state.va.us.