



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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To: Emily V. Webb, Director
Office of Board Relations
Virginia Department of Education

From: Susan B. Williams
Senior Assistant Attorney General

A handwritten signature in black ink, appearing to read "Susan B. Williams".

Date: September 11, 2020

Re: Proposed Amendments to the Regulations Governing the Review and Approval of Education Programs in Virginia [8 VAC 20 - 543] to Establish Dual Language and Economics and Personal Finance Endorsements (Action 5420 /Stage 8988)

I have reviewed the version of the proposed amendments to the regulation identified above that were submitted to the Virginia Regulatory Town Hall on September 11, 2020 at 1:03 pm 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 the *Code of Virginia* § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, pursuant to the *Code of Virginia* §22.1-298.2, the Board has the authority to prescribe, by regulation, the requirements for the accreditation approval of education preparation programs. Finally, Chapter 391 of the 2018 Acts of Assembly required the Board to revise the regulations in order to establish an endorsement in dual language instruction pre-kindergarten through grade six.

It is the view of this Office that the Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Virginia Office of the Governor Executive Order 14 (2018), 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) 371-8721 or by electronic mail at swilliams@oag.state.va.us. Thank you.

cc: Deborah A. Love, Senior Assistant Attorney General/Section Chief