



COMMONWEALTH of VIRGINIA
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Jason S. Miyares

MEMORANDUM

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

From: Deborah A. Love *DAL*
Senior Assistant Attorney General/Chief

Date: March 22, 2024

Re: Amendments to *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 9653) - Final

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 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 my view 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 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.