



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

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 blue ink, appearing to read "Susan B. Williams".

Date: August 24, 2021

Re: Amendments to the *Licensure Regulations for School Personnel* [8 VAC 20-23] and the *Regulations Governing the Review and Approval of Education Programs in Virginia* [8 VAC 20-543-20] (Fast Track) (Action 5791 /Stage 9357)

I have reviewed the amendments to the regulations identified above in order to determine whether the State Board of Education (Board) has the authority to promulgate the regulations and if the regulations comport 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* §22.1-298.1, 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, and, 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, these revisions to the regulations are required by legislation approved by the General Assembly during the 2021 Special Session I.

It is the view of this Office that the Board has the authority to adopt these fast-track regulations, 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