



COMMONWEALTH of VIRGINIA
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Jason S. Miyares

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

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

Date: March 29, 2024

Re: Proposed Adoption of *General Procedures and Information for Licensure* (new chapter 8VAC20-821) and Proposed Repeal of *General Procedures and Information for Licensure* (8VAC20-820)

I have reviewed the version of the proposed regulatory action 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, § 22.1-289.046 of the *Code of Virginia* directs the Board of Education to promulgate “regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed” under the Early Childhood Care and Education chapter (Chapter 14.1) of Title 22.1.

It is my view that the Board has the authority to propose the regulation as described above, 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.