



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

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

Date: July 27, 2026

Re: Proposed Revisions to the *Licensure Regulations for School Personnel* Prompted by Chapters 23 and 24 of the 2021 Acts of Assembly, Special Session I (Action 5748/Stage 9650)

I have reviewed the version of the draft 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.

Chapters 23 and 24 of the Acts of Assembly 2021, Special Session I, amended *Code of Virginia* § 22.1-298.1 (D) to require that “[e]very person seeking initial licensure or renewal of a license shall complete instruction of training in cultural competency....” The proposed regulations incorporate this requirement into the Board’s licensure regulations.

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, 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). Lastly, 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).

It is my view that the Board has the authority to promulgate this proposed regulation, 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.