



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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MEMORANDUM

TO: Emily Anne Gullickson
Superintendent of Public Instruction
Virginia Department of Education

FROM: Deborah A. Love
Senior Assistant Attorney General

DATE: April 5, 2025

SUBJECT: Certification of Amendment to Regulations Governing the Classification of Expenditures (8VAC20-210) – Fast-Track

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 amend the regulations and if the regulations comport with applicable state law.

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, § 22.1-115 requires the Board to establish certain classifications for expenditures. The proposed amendment comports the regulation to the statutory categories.

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 19 (2022), 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.