



COMMONWEALTH of VIRGINIA
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MEMORANDUM

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

FROM: Deborah A. Love
Senior Assistant Attorney General

DATE: July 31, 2025

SUBJECT: Certification of *Regulations Licensure Regulations for School Personnel* [8 VAC 20 - 23] [Amend] – Fast-Track

I have reviewed the amendment 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 § 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, pursuant to § 22.1-253.13:2 of the *Code of Virginia*, the Board of Education has the authority to establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel. Furthermore, § 22.1-298.1 of the *Code* authorizes the Board of Education to promulgate regulations related to the requirements for the licensure of teachers and other school personnel required to hold a license.

It is my view 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. The proposed changes do not conflict with state or federal law.

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.