



## **COMMONWEALTH of VIRGINIA**

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### **MEMORANDUM**

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

**From:** J.C. LaRiviere  
Assistant Attorney General

**Date:** August 22, 2025

**Re:** Review of Exempt Action- *Changes to the Child Care Subsidy Program Regulations to Comply with Fiscal Year 2026 Budget* [8 VAC20-790] (Action 6827)

Pursuant to § 22.1-16 of the *Code of Virginia*, the Board of Education has authority to promulgate regulations to carry out its statutory powers and duties. The Board is compelled by the Constitution of Virginia to comply with changes in statutory law or the appropriations act. When promulgating regulations to comply with those changes, in accordance with Virginia Code § 2.2-4006(A)(4)(a), the regulatory action is exempt from many of the regulatory processes required by the Virginia Administrative Process Act for non-exempt regulatory actions. I have reviewed the above-referenced regulatory action to ensure that the action qualifies as exempt under the Virginia Administrative Process Act.

It is my view that the Board has both general statutory authority and a legal obligation to promulgate these regulatory changes as required by the Appropriations Act of 2025 and the Constitution of Virginia. The changes do not conflict with federal or state law.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 371-0667 or by electronic mail at [JLaRiviere@oag.state.va.us](mailto:JLaRiviere@oag.state.va.us).