



## COMMONWEALTH of VIRGINIA

*Office of the Attorney General*

**Jay Jones**  
Attorney General

202 North 9th Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120

### MEMORANDUM

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

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

**Date:** September 4, 2026

**Re:** Review of Exempt Action- *Changes to the Licensure Regulations for School Personnel to Comport with Chapter 1091 of the 2026 Acts of Assembly* [8 VAC20-23-630] (Action 7103)

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. Specific authority is provided by *Code of Virginia* § 22.1-59 which requires that the board prescribe the minimum qualifications of the superintendent. In addition, *Code of Virginia* § 22.1-60 requires that division superintendents be chosen from a list of eligibles certified by the Board. The Board is compelled by the Constitution of Virginia to comply with acts of the General Assembly. 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 statutory authority and a legal obligation to promulgate these regulatory changes as required by Chapter 1091 of the 2026 Acts of Assembly 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).