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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-23
VAC Chapter title(s)	Licensure Regulations for School Personnel
Action title	Exempt action to comport 8VAC20-23-630 with Chapter 1091 of the 2026 Acts of the Assembly
Final agency action date	August 27, 2026
Date this document prepared	August 27, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter 1091 (HB1165) a 2026 Uncodified Act of the Regular Session, relating to the qualifications of division superintendents. Chapter 1091 requires the Board of Education to amend 8VAC20-23-630 of the Virginia Administrative Code, that establishes the qualifications for division superintendents to (i) require the record of each candidate for the list of eligible division superintendents and the renewable division superintendent license under any of the four permitted options to attest to good character and demonstrated ability as an educational administrator and (ii) amend Option IV by requiring the candidate to have (a) completed five years of successful educational experience in a public school or an accredited nonpublic school, two years of which shall have been full-time teaching experience at the preK-12 level and two years of which shall have been in administration and supervision and (b) been recommended by a school board that is interested in employing the individual as division superintendent and that governs a school division with fewer than 2,000 enrolled students. Chapter 1091 also provides that the requirements

under Option IV that were in effect prior to the effective date of the Chapter 1091 shall apply to any individual who was employed as a division superintendent pursuant to Option IV as of such date and who maintains continuous employment as a division superintendent in any school division in the Commonwealth after such date.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory action is the result of a legislative mandate (Chapter 1091).

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On **August 27, 2026**, the Board of Education adopted this exempt action to comport Licensure Regulations for School Personnel (8VAC20-23-630) with Chapter 1091 (HB1165) of the 2026 Uncodified Acts Regular Session.