



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: James Chapman, Director
Office of Board Relations
Virginia Department of Education

From: Abigail M. Gump
Assistant Attorney General

Date: September 28, 2026

Re: Review of Exempt Action for *Chapter 917 of the 2026 Acts of the Assembly, impacting Standards for Child Care Program* (8VAC20-790), *Standards for Licensed Family Day Homes* (8VAC20-800), *Minimum Standards for Licensed Family Day Systems* (8VAC20-810), *General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks* (8VAC20-821), and *Voluntary Registration of Family Day Homes – Requirements for Providers* (8VAC20-850).

I have reviewed the above-referenced regulatory action to ensure that the action qualifies as exempt under the Virginia Administrative Process Act, to ensure the State Board of Education (Board) has the authority to promulgate the regulation(s) and to determine if the regulation comports with applicable state law.

Pursuant to the *Code of Virginia* § 22.1-16, the Board has authority to promulgate regulations to carry out its statutory powers and duties. In addition, § 22.1-289.046 of the *Code of Virginia* directs the Board of Education to promulgate “regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed” under the Early Childhood Care and Education chapter (Chapter 14.1) of Title 22.1. Pursuant to Virginia Code §§ 2.2-4006(A)(4)(a) and 2.2-4006(A)(3), certain regulatory action(s) are exempted from the regulatory processes required by the Virginia Administrative Process Act.

It is my view that this regulatory action is exempt from the regulatory processes required by the Virginia Administrative Process Act. The Board has the statutory authority to promulgate these

regulatory changes as required by *Chapter 917 of the 2026 Acts of Assembly*, and the Board has not exceeded their authority in this action. These 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) 371-0076, or by electronic mail at agump@oag.state.va.us.