



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jason S. Miyares

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

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

From: Lauren Coleman
Assistant Attorney General

Date: August 18, 2025

Re: Periodic Review of *Regulations for the Protection of Students as Participants in Human Research* [8VAC20-565] (Review 2530)

Consistent with the provisions of § 2.2-4017 of the *Code of Virginia* and Executive Order 19 (2022) and the procedures for the Office of Regulatory Management required by Executive Order 19, I have reviewed the above-referenced regulatory action to ensure general statutory authority to promulgate the regulation and to identify any specific authority for the regulation under periodic review.

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 and the provisions of Title 22.1 of the Code of Virginia. In addition, *Code of Virginia* § 22.1-16.1 requires the Board to promulgate regulations to effectuate the provisions of Chapter 5.1 of Title 32.1 for human research to be conducted or authorized by the Department of Education or any public schools including the Virginia Schools for the Deaf and the Blind or any proprietary schools certified by the Board.

Thus, it is my view that the Board has general statutory authority to promulgate regulations and specific statutory authority to promulgate regulations pertaining to the protection of students as participants in human research.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 786-1100 or by electronic mail at LColeman@oag.state.va.us.