



***COMMONWEALTH of VIRGINIA***  
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**MEMORANDUM**

**TO:** Ms. Emily Anne Gullickson  
Superintendent of Public Instruction  
Virginia Department of Education

**FROM:** Deborah A. Love  
Senior Assistant Attorney General/Chief

**DATE:** September 2, 2025

**SUBJECT:** Periodic Review of Regulations Governing Superintendent of Public Instruction [8 VAC20-510] (Review 2572)

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. In addition, Code of Virginia § 22.1-23 requires the Superintendent of Public Instruction to “[p]erform such other duties as the Board of Education may prescribe.” Thus, it is my view that the Board has general statutory authority to promulgate regulations and specific statutory authority to prescribe duties to be performed by the Superintendent of Public Instruction.

If you have any questions or concerns, please feel free to contact me at the address above, by telephone at (804) 786-3807 or by electronic mail at [dlove@oag.state.va.us](mailto:dlove@oag.state.va.us).