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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-185
Regulation title(s)	Standards for Licensed Child Day Centers
Action title	Update Definitions and Amend Training Requirements for Parents and Individuals Who Participate in Cooperative Preschools
Final agency action date	August 21, 2019
Date this document prepared	August 21, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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.

Section 63.2-1715 of the Code includes amendments to existing exemption categories and adds additional requirements to exemptions from licensure. An amendment to the *Standards for Licensed Child Day Centers* is needed to remove the outdated list of exemptions.

Section 63.2-1734 of the Code of Virginia is amended to exempt parents or other persons who act in the capacity of a teacher and count in the mandated staff-to-child ratio in a cooperative preschool center from orientation and training requirements applicable to staff of child day programs.

The purpose of the action is to implement provisions of § 63.2-1715 (2018 Acts of Assembly Chapter 810) and § 63.2-1734 (2019 Acts of Assembly Chapter 604). The *Standards for Licensed Child Day Centers* must be amended to remove outdated exemption information, and to clarify the training requirement for parents and individuals who participate in Cooperative Preschools and are counted in the staff-to-child ratio.

Mandate and Impetus

Please 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, board decision, etc.). “Mandate” is defined as “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.”

Provisions in the 2018 Acts of Assembly Chapter 810 and 2019 Acts of Assembly Chapter 604 impact § 63.2-1715 and § 63.2-1734 of the Code of Virginia. The *Standards for Licensed Child Day Centers* must be revised to reflect the new provisions effective July 1, 2019.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 21, 2019, the State Board of Social Services took final action on the *Standards for Licensed Child Day Centers*, 22VAC40-185.

**Periodic Review
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This action is not the result of a periodic review.