



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Child Day-Care Council
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 15-10
<b>Regulation title</b>	Public Participation Guidelines
<b>Action title</b>	Improve Clarity and Implement Recent Legislative Changes
<b>Document preparation date</b>	March 10, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposed action is to make editorial changes throughout the regulation to improve clarity. Section 22 VAC 15-10-40 will be amended to reflect the provisions of Chapter 241, 2002 Acts of Assembly. Section 22 VAC 40-11-50 will be amended to reflect the statutory changes of Chapter 717, 1995 Acts of Assembly which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 2.2-4007 D. of the Code of Virginia mandates that the Child Day-Care Council promulgate this regulation. Section 63.2-1735 of the Code of Virginia vests the Child Day-Care Council with the authority to promulgate regulations for licensure and operation of child day centers in the Commonwealth.

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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Editorial changes will be made throughout the regulation to improve clarity.

Section 22 VAC 15-10-40 will be amended to reflect the provisions of Chapter 241, 2002 Acts of Assembly.

Section 22 VAC 15-10-50 will be amended to provide for the use of the internet for dissemination and collection of comment on regulatory actions. This section will also be revised to reflect the statutory changes of Chapter 717, 1995 Acts of Assembly which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

These regulations benefit the public by letting individuals and regulated entities know how they may be involved in the development and promulgation of the Child Day-Care Council's regulations. These regulations benefit the Commonwealth by permitting the Council to fulfill its statutory mandate to promulgate regulations necessary to implement § 63.2-1735 of the Code of Virginia. The child day center regulations are designed to ensure the safety and welfare of children under the care of licensed centers.

This regulation creates no known disadvantage to the public or the Commonwealth.

## Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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This regulation is specifically mandated by § 2.2-4007 D. of the Code of Virginia. Other alternatives are not an option.

## Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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The suggested amendments to this regulation will enhance and increase the opportunities for public participation in the process for development and promulgation of the Child Day-Care Council regulations. Thus, the Council will have better means for considering the interest and concerns of families when promulgating and approving regulations. This suggested regulatory action respects the authority and rights of parents in the education, nurturing, and supervision of their children. It has no negative impact on economic self-sufficiency, self-pride, the assumption of personal responsibility, family income, or marital commitment.

### Periodic review

*If this NOIRA is not the result of a periodic review of the regulation, please delete this entire section. If this NOIRA is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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A notice of public comment was published in The Virginia Register on February 7, 2005. Public comment was received from the date of publication until February 28, 2005. No one commented.

Section 2.2-4007 D. of the Code of Virginia mandates that the Child Day-Care Council promulgate this regulation. Section 63.2-1735 of the Code of Virginia vests the Child Day-Care Council with the authority to promulgate regulations for licensure and operation of child day centers in the Commonwealth. The child day center regulations are designed to ensure the safety and welfare of children under the care of licensed centers.

One purpose of this action is to improve the clarity and understandability of this regulation.