



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** NOËLLE L. SHAW-BELL  
Assistant Attorney General III

**DATE:** February 4, 2013

**SUBJECT:** Periodic Review/Fast-Track of 22 VAC 40-690, *et seq.*  
Virginia Child Care Provider Scholarship Program

I have reviewed the above-referenced regulations, which were undergoing a periodic review, to determine whether the State Board of Social Services (“the Board”) has the statutory authority to promulgate the specified regulations and whether the specified regulations comport with applicable state law. It was determined that Fast Track was the appropriate process for the changes the regulation required as identified in the Periodic Review.

Pursuant to Virginia Code § 63.2-217, the State Board is required to promulgate regulations as may be necessary or desirable to carry out the purposes of Virginia Code § 63.2-100, *et seq.* Additionally, the Commissioner is specifically charged with cooperating with federal agencies in relation to matters set forth in Title 63.2 and with receiving appropriate federal funds for child welfare purposes including day care for children pursuant to Virginia Code §§ 63.2-206 and 63.2-207.

Consequently, it is my view that the Board has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0006.