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Regulatory
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Final Regulation Agency Background Document

Agency name	Child Day-Care Council
Virginia Administrative Code (VAC) citation	22 VAC 15 -20
Regulation title	General Procedures and Information for Licensure
Action title	Establish new regulation
Document preparation date	Enter date this form is uploaded on the Town Hall

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The Code of Virginia mandates the licensure of child day centers and the programmatic regulation for centers is promulgated by the Child Day-Care Council. The General Procedures regulation contains general licensing requirements for all programs licensed by the Department of Social Services, including child day centers, and has been jointly promulgated by the Child Day-Care Council and the State Board of Social Services. A memorandum from the Office of the Attorney General dated November 22, 2002, stated that the Council could, but was not required to, promulgate a separate General Procedures regulation. Council voted on June 12, 2003 not to promulgate a separate regulation. Therefore, 22 VAC 15-20 is being repealed. The General Procedures regulation adopted by the State Board of Social Services will apply to all licensed programs.

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 May 13, 2004 the Child Day-Care Council approved the repeal of the regulation entitled General Procedures and Information for Licensure, 22 VAC 15-20.

Legal basis

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

Section 63.2-1734 of the Code of Virginia gives the Child Day-Care Council authority to adopt regulations for the activities, services, and facilities of child day centers; and section 63.2-1735 establishes the Council and sets forth its terms and duties.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

Since 1989 the Child Day-Care Council has jointly promulgated the General Procedures regulation with the State Board of Social Services. The Board's and Council's regulations have been identical. In the interest of cost savings and ease of implementation of the regulation for both licensees and licensing staff, Council decided not to promulgate a separate regulation that is duplicative and unnecessary.

Moving the provisions of this regulation to 22 VAC 40-80 will protect the health, safety and welfare of children receiving care in licensed facilities by ensuring that procedures are in place for both the department and the licensee to follow in the licensure process required by law. It will also provide for sanctioning and termination of licensure when health and safety requirements are not met.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The entire regulation is recommended for repeal.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
2) the primary advantages and disadvantages to the agency or the Commonwealth; and
3) other pertinent matters of interest to the regulated community, government officials, and the public.

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The advantage to licensees and licensing staff is that there will be one regulation that applies consistently to all licensed programs.

The advantage for families and children of having one comprehensive regulation for all providers is that the level of safety and protection for the children remains consistent.

There are no disadvantages to the public or Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

The entire regulation is recommended for repeal.

Public comment

Please summarize all comment received during the public comment period following the publication of the proposed stage, and provide the agency response. If no public comment was received, please so indicate.

No public comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

The entire regulation is recommended for repeal.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

Repeal of the regulation will have no impact on the institution of the family or on family stability.