



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-730
Regulation title	Investigation of Child Abuse and Neglect in Out of Family Complaints
Action title	Clarify 2005 Legislative Intent
Final agency action date	December 14, 2005
Document preparation date	December 14, 2005

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The purpose of this action is to incorporate changes into the regulation that are required by Chapters 767 and 806 of the 2005 Acts of Assembly. These changes clarify procedures for conducting a child protective services investigation of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth of Virginia.

This action clarifies an exempt final regulation that was published in The Virginia Register on October 3, 2005 (22:2 VA.R.251-252 October 3, 2005). It provides that if, after an investigation of a child protective services complaint, the local department of social services first determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

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.

The State Board of Social Services took final action on 22 VAC 40-730, Investigation of Child Abuse and Neglect in Out of Family Complaints, on December 14, 2005.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These proposed changes to the Out of Family regulations are not expected to have a significant impact on the family.