



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-790-20; 8VAC20-790-40; 8VAC20-790-80
VAC Chapter title(s)	Child Care Program
Action title	Changes to the Child Care Subsidy Program regulations to comply with items from the FY 2023-2024 budget
Final agency action date	September 15, 2022
Date this document prepared	September 1, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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.

Chapter [2](#) of the 2022 Acts of the Assembly (“Chapter [2](#)”) appropriated funds for the 2023–2024 Biennium.

Item [129.P](#) of Chapter [2](#) states that “[n]otwithstanding [8VAC-20-790](#), the Department of Education shall not set a limit on the duration of time that families may participate in the Child Care Subsidy Program, subject to available funds.”

Item [129.Q](#) of Chapter [2](#) states, in part, that “[n]otwithstanding [8VAC-20-790](#), the Department of Education shall increase participation in the Child Care Subsidy Program among families and providers using non-general funds by: 1) making child care assistance available to parents or guardians who are

searching for work; . . . 3) issuing payments to Child Care Subsidy Program vendors for authorized enrollment, subject to the attendance threshold established by the Department of Education; 4) issuing payments to providers for up to 15 days of planned closure for all vendors in the Child Care Subsidy Program for holidays, vacations, and professional development or planning time; 5) issuing payments to family day homes in the Child Care Subsidy program for up to three sick days to care for themselves or a family member; 6) increasing provider payment rates based on the cost methodology developed by the Department in its Child Care Cost Estimation Report; 7) ensuring that Child Care Subsidy Program vendor payment rates for infants and toddlers fully reflect the cost of care; and 8) eliminating copayments for families at or below 100 percent of the federal poverty guidelines and reducing copayments for families above 100 percent of the federal poverty guidelines.”

In order for the Board of Education (“Board”) to implement the requirements of the budgetary language, the Board must amend [8VAC20-790-20](#), [8VAC20-790-40](#), and [8VAC20-790-80](#).

Mandate and Impetus

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, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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.”

This regulatory change is the result of a legislative mandate (Chapter [2](#), Item [129](#).P and Q).

Statement of Final Agency Action

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 Board approved the action “Changes to the Child Care Subsidy Program regulations to comply with items from the FY 2023–2024 budget” at its meeting on July 21, 2022.