

Virginia Regulatory Town Hall Agency Background Document Notice of Intended Regulatory Action (NOIRA)

Agency Name: Child Day-Care Council
VAC Number: 22 VAC 15-10-10 et seq.
Regulation Title: Public Participation Guidelines
Action Title: Amend
Date: 1/20/99

Basis:

A statement identifying and describing the source(s) of the state and/or federal legal authority to promulgate the contemplated regulation, the scope of the authority provided, and the extent to which the authorized rulemaking is mandatory or discretionary, together with an attached copy of all cited legal provisions.

Section 9-6.14:7.1 of the Code of Virginia requires each agency to have public participation guidelines for “soliciting the input of interested parties in the formation and development of its regulations.” These guidelines shall “set out any methods for the identification and notification of interested parties, and any specific means of seeking input from interested persons or groups...the guidelines shall set out a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency.” Sections 63.1-202 and 63.1-202.1 of the Code of Virginia give the Child Day-Care Council authority to develop regulations for child day centers. Please see attached for a copy of these laws.

Purpose:

A statement setting forth the reasoning by which the agency has concluded that the contemplated regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function, including a discussion of the problems the regulation’s provisions are intended to solve.

The Code of Virginia requires each agency promulgating regulations to have public participation guidelines. These guidelines allow the Child Day-Care Council to promulgate regulations and state how the Council will solicit input of interested parties in the formation and development of its regulations.

Substance:

A statement delineating the potential issues to be addressed in the proposed regulation, with any preliminary regulatory language that has been developed attached.

The requirement to publish the Notice of Comment Period in a newspaper of general circulation published at the state capitol and such other newspapers as the department may deem appropriate will be deleted in the proposed regulation. House Bill 1473 (1995) eliminated the Administrative Process Act requirement that regulatory notices be published in a “newspaper of general circulation published in the Capitol...” This change should be made to the public participation guidelines since funds have been reduced. The agency could fulfill the intent by means such as notifying appropriate entities through press releases, scripts on the licensing information line, etc. Other changes for clarity will be made to the regulation.

Alternatives:

A statement describing the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the essential purpose (identified in I.c. above), the alternatives considered or to be considered (to the extent known), and the reasoning by which the agency has rejected any of the alternatives considered.

The Council held a 30-day public comment period on the review of the public participation guidelines. Notification of this comment period was published in The Virginia Register and sent to licensed child day centers and individuals on the Council's interested party list. Council also considered issues of its members, which represent a wide variety of interests. Representation on the Council includes: two nonprofit child day center operators; three private for-profit child day center operators; one representative from each of the Departments of Social Services, Health, Education, Fire Programs, and Housing and Community Development; one pediatric health professional; one child development specialist; one parent consumer; one legal professional; one representative of the Virginia Council for Private Education; and one representative each of a child day center offering a seasonal program emphasizing outdoor activities, a private child day center offering a half-day nursery school program, and a local governing body all of which operate programs required to be licensed. The Council will hold a 30-day public comment period on the notice of intended regulatory action and a 60-day public comment period on the proposed regulation.

Because the law currently requires public participation guidelines by each promulgating agency, it is not possible to have one set of guidelines for all agencies as suggested by the Blue Ribbon Strike Force. If there was one set of guidelines it could reduce the time to revise multiple versions of these guidelines.