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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	22VAC40-665
<b>VAC Chapter title(s)</b>	Child Care Program
<b>Action title</b>	Amend Child Care Ratios to Comply with Code
<b>Final agency action date</b>	August 19, 2020
<b>Date this document prepared</b>	May 12, 2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.*

This regulatory action is necessary to bring state Child Care Subsidy Program requirements into compliance with § 63.2-1716 of the Code of Virginia necessitated by legislation passed in the 2020 General Assembly (Chapters 494 and 495 of the 2020 Acts of Assembly). Changes to this regulation amend the staff ratios for religious-exempt child day centers participating in the Subsidy Program. When a group of children receiving care includes children from different age brackets, the staff to child ratio applicable to the youngest child in the group applies to the entire group of children.

### 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). "Mandate" is defined as "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

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Changes to this regulation are mandated by legislation passed by the 2020 General Assembly enacted in the Acts of Assembly Chapters 494 and 495, having an effective date of July 1, 2020.

### **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.*

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The State Board of Social Services took final action on 22VAC40-665, Child Care Program, on August 19, 2020.