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## Exempt Action: Final Regulation Agency Background Document

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| <b>Agency name</b>  | State Board of Social Services  |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 22VAC40-80<br>22VAC40-160<br>22VAC40-191  |
| <b>VAC Chapter title(s)</b>                                   | General Procedures and Information for Licensure<br>Fees Requirements for Processing Applications<br>Background Checks for Child Welfare Agencies |
| <b>Action title</b>   | Amend Licensing Regulations to Remove Child Day Programs<br>Transferring to the Board of Education  |
| <b>Final agency action date</b>                               | 8/18/2021   |
| <b>Date this document prepared</b>                            | 8/18/2021   |

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.*

Chapters [860](#) and [861](#) of the 2020 Acts of the General Assembly transfers the authority to license and regulate child day programs from the Department of Social Services to the Department of Education on July 1, 2021. This regulatory action is necessary to remove child day programs requirements from State Board of Social Services regulations (*General Procedures and Information for Licensure, Fees Requirements for Processing Applications, and Background Checks for Child Welfare Agencies*). Other technical amendments were made to clarify existing requirements after striking regulations specific to child day programs.

## 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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Chapters 860 and 861 of the 2020 Acts of the General Assembly transfer the authority to license and regulate child day programs from the Board of Social Services to the Board of Education. This regulatory action is necessary in order to comply with the law.

## 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 approved the exempt action to amend the following regulations on August 18, 2021:

- 22VAC40-80: General Procedures and Information for Licensure
- 22VAC40-160: Fees Requirements for Processing Applications
- 22VAC40-191: Background Checks for Child Welfare Agencies