



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 15-10-10 et seq.
Regulation Title:	Public Participation Guidelines
Action Title:	Amend (Comprehensive Review)
Date:	December 18, 2001

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

This regulation describes the way the Child Day-Care Council will obtain public input when developing, revising or repealing a regulation. The regulation covers the following topics: petition from interested parties; solicitation of input; public hearings; and, withdrawal of regulations. The proposed regulation provides for electronic transmission of information and makes changes for clarity especially regarding the responsibilities of the Child Day-Care Council and Department of Social Services. No changes were made since the proposed action was published.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Child Day-Care Council approved the final Public Participation Guidelines on December 18, 2001.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Sections 63.1-202 and 63.1-202.1 of the Code of Virginia give the Child Day-Care Council authority to promulgate regulations for child day centers. 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 method 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.” The public participation guidelines fulfill the above mentioned code mandate. The website address for the Code of Virginia is <http://leg1.state.va.us/000/src.htm>. The Office of the Attorney General previously certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state law. The final regulation does not differ from the proposed regulation.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the public participation guidelines is to establish written procedures to solicit input from “interested parties” prior to formation and drafting of the regulations and during the

formation, promulgation and final adoption process of regulations. The Administrative Process Act requires these guidelines to be in effect before other regulations can be adopted. Thus these guidelines allow the Child Day-Care Council to carry out its statutory responsibility to promulgate regulations for child day centers. The child day center regulations are designed to ensure the safety and welfare of children under the care of licensed centers. The goals of this revision of the public participation guidelines are to provide for electronic transmission of information and to clarify the regulation especially regarding the responsibilities of the Child Day-Care Council and Department of Social Services. Electronic transmission of information may increase participation, reduce costs and improve the speed of communication.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

22 VAC 15-10-50 was revised to provide for the electronic transmission of information. The other changes to the regulation are editorial to improve clarity.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The public participation guidelines benefit the public by letting individuals know that they can be involved in the promulgation of the Child Day-Care Council's regulations. These guidelines also benefit the Commonwealth by allowing the Council to fulfill its state mandate to promulgate child day center regulations. Center regulations promulgated according to the public participation guidelines benefit: 1) the Department of Social Services by providing standards that can be used to monitor licensed centers and 2) families by establishing a level of safety at licensed centers. There is no disadvantage to the public or the Commonwealth in having public participation guidelines.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

No changes were made to the regulation since the proposed stage.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comments were received.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

22 VAC 15-10-50 was revised to provide for the electronic transmission of information. Interested persons may also receive mailings in hard copy. Specific reference to electronic transmission of information is included in subsection A (lists of interested persons), subsection F (dissemination of the NOIRA), subsection G (comments on the NOIRA), subsection I (solicitation of public comments on proposed regulations), and subsection J (comments on the proposed regulation). The other changes to the regulation are editorial to improve clarity.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The public participation guidelines should strengthen the authority and rights of parents since these guidelines continue to specify that persons may be added to a mailing list to receive notification of regulatory activity concerning the child day center regulations. With this notification, parents can submit comments to the Child Day-Care Council, which could result in changes to center regulations. These center regulations impact the education, nurturance and supervision of children. Additionally, the public participation guidelines could encourage responsibility for one's children by allowing parents to impact center regulations that help safeguard their children while in out of home care.

The public participation guidelines have no intended impact on marital commitment. If there should be any unintended impact, it should be positive in that parents could influence center regulations that may positively affect their children's welfare. The public participation guidelines should not have an impact on disposable family income.

In summary, the public participation guidelines are pro-family and strengthen the rights of parents.