



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: KARIN CLARK
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Senior Assistant Attorney General

DATE: August 7, 2012

SUBJECT: Transfer 22 VAC 15-30 to 22 VAC 40-185
Standards for Licensed Child Day Centers

I have reviewed the above-referenced final regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to transfer the regulation from the agency number attached to the Day-Care Council to the agency number associated with the State Board and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to transfer the regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The transfer is necessary to address the abolition of the Child Day-Care Council and the new authority granted to the State Board by the adoption of Chapters 803 and 835 of the 2012 Acts of Assembly. Pursuant to § 2.2-4006(A)(4)(a) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.