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Fast-Track Regulation Agency Background Document

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8 VAC20-830
VAC Chapter title(s)	Fee Requirements For Processing Applications
Action title	Repeal Chapter 830 following the adoption of New Standards for the General Procedures and Information for Licensure of Chapter 821
Date this document prepared	June 18, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

By act of the General Assembly and effective July 1, 2021, the Board is authorized to adopt regulations and schedules for fees for processing applications for licenses (§ 22.1-289.010 of the Code of Virginia). The Fee Requirements for Processing Applications will be retained in the new chapter 821.

This regulatory action repeals 8VAC20-830, "Fee Requirements For Processing Applications," following the establishment of the comprehensive new chapter, 8VAC20-821, General Procedures for Licensure and Background Checks. The Fee Requirements will be retained in Part IV of the new 8VAC20-821.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

“Board” means the Virginia Board of Education.

“Department” means the Virginia Department of Education.

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) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On June 18, 2025, the State Board of Education approved the final regulation, General Procedures for Licensure and Background Checks (8VAC20-821), and the repeal of 8VAC20-830, Fee Requirements for Processing Applications.

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, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

The Board has determined that the repeal of Chapter 830 is necessary to implement the new General Procedures for Licensure and Background Checks (8VAC20-821), and the repeal of 8VAC20-830, Fee Requirements for Processing Applications. The repeal of 8VAC20-830 is necessary to avoid having overlapping regulations with 8VAC20-821.

This rulemaking is expected to be noncontroversial and, therefore, appropriate for the fast-track rulemaking process because this action follows the establishment of the comprehensive new chapter, 8VAC20-821, General Procedures for Licensure and Background Checks, and the fee requirements for processing applications will now be found in Part IV. Application Fees of the new Chapter 821, General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Board’s overall regulatory authority is found in § 22.1-16 of the Code of Virginia, which states that “[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.”

The Board’s regulatory authority over child day programs and family day systems is found in § 22.1-289.046 of the Code of Virginia, which states in part that “[t]he Board shall adopt regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed under this chapter, which shall be designed to ensure that such activities, services, and facilities are conducive to the welfare of the children under the control of such persons or agencies.”

Section 22.1-289.010 of the Code of Virginia authorizes the Board “to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate child day programs and family day systems.”

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The regulatory change is necessary to implement the new General Procedures for Licensure and Background Checks (8VAC20-821), and the repeal of 8VAC20-830, Fee Requirements for Processing Applications. The primary rationale and justification for the repeal of 8VAC20-830 is to avoid having overlapping regulations with 8VAC20-821.

The regulatory action is essential to protecting the health, safety, and welfare of citizens because it allows for the consolidation of regulations governing the application for licensure by child day programs and family day systems under the new 8VAC20-821 and avoids conflicting directions by repealing 8VAC20-830.

The goal of the regulatory change is repeal 8VAC20-830 and avoid overlapping regulations with the new 8VAC20-821.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The major goal of this regulatory action is to repeal Chapter 830 after the establishment of the new Chapter 821. The new Chapter 821 will increase clarity by using more direct language; remove non-regulatory informational text; and leverage organization to provide clarity. In the current iteration of the regulations, a licensee may have to look in numerous places to find requirements for initial licensure or renewal. Moreover, in some instances, standards of conduct were mixed into the requirements for initial licensure. The primary objective of the new organization is to provide clear directions related to each “phase” of the licensing cycle so that a licensee can find requirements easily. Part IV of the new Chapter 821 will integrate the fee structure into the General Procedure. Fees are currently stated in a separate chapter (8VAC20-830). The agency intends to rely on the new 8VAC20-821 and so 8VAC20-830 will no longer be necessary.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary 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, include a specific statement to that effect.

The primary advantage of this regulatory change to the public, the agency and Commonwealth, and the regulated community is that the requirements currently found under 8VAC20-830, Fee Requirements for Processing Applications will now be found in the new General Procedures for Licensure and Background Checks (8VAC20-821) and will be easier to read, better organized, clearer with respect to responsibilities, and more comprehensive in their scope due to the consolidation of three chapters into a single chapter. There are no disadvantages to the public, the agency, the Commonwealth, or the regulated community.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no changes to previously reported information.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no other state agencies that will be particularly affected by this regulatory action.

Localities Particularly Affected

There are no localities that will be particularly affected by this regulatory action.

Other Entities Particularly Affected

This action will affect child day centers, family day homes, and family day systems. However, it is not clear that there will be a "material impact" sufficient to meet the definition of "particularly affected."

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact,

specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>No projected economic impact exists on the State Board of Education or the Virginia Department of Education.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There is no projected economic impact anticipated for other agencies.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>There is no projected economic impact anticipated for other agencies.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>There are no localities that will be affected by this change.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The regulatory action will conform to the Code of Virginia, and the U.S. Code.</p>

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>There are no other entities that will be affected by this change.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There are no other entities that will be affected by this change.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p>	<p>There are no other entities that will be affected by this change.</p>

<p>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.</p>	
<p>Benefits the regulatory change is designed to produce.</p>	<p>The regulatory action will conform to the regulations of the Code of Virginia.</p>

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives to this regulation were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There is a continued need for the regulations found in Chapter 830, so Part IV of the new Chapter 821 will integrate the fee structure into the General Procedure. Repealing Chapter 830 and retaining the requirements in Part IV of the new Chapter 821 has not impact on small businesses.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The State Board of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by email to Jim Chapman, Director of Board Relations, at Jim.Chapman@doe.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
8VAC20-830-10		Fees. Authorizes the Department of Education to charge fees for processing applications for licenses. Fees are to be used for the development and delivery of training for operators and staff of facilities or agencies for children subject to licensure solely by the Department of Education.	Change: Repeal Chapter 830, section 10. Intent: Remove redundant regulatory requirements concerning fees. Rationale: Application fees are currently provided in chapter 830. Because Action #5880 has moved to the final stage, the agency is now initiating this fast-track action to repeal 8VAC20-830. This fast-track action will be noncontroversial

	<p>The required fees for each licensed facility or agency will be based upon its licensed capacity and the length of the total licensure period.</p> <p>The fees will be collected annually and licensees will be billed each year by the Department of Education for the appropriate portion of the fees.</p> <p>No fees will be charged directly following the issuance of a conditional license.</p> <p>The fees are required to be paid by personal check, money order, or certified check, made payable to "Treasurer of Virginia." Fees that are incorrect in amount or made payable other than to the Treasurer of Virginia will be returned to the applicant.</p> <p>Failure to submit the appropriate fees within the time frame specified by the Department of Education may result in negative action against a facility's or agency's license.</p> <p>Fees will be charged for checks that must be returned to the applicant because of insufficient funds.</p>	<p>because the proposed 8VAC20-821-140 and 8VAC20-821-150 will make 8VAC20-830 redundant.</p> <p>Likely Impact of new Requirements: Simplified regulation and clear requirements for licensure.</p>
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If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage

section number			