

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 492

An Act to amend and reenact §§ 2.1-1.7, 2.1-20.4, 2.1-51.15, 9-6.25:2, 9-268, 9-271, 9-291.1, 63.1-196.5, 63.1-211.2, and 63.1-314.8 of the Code of Virginia and to repeal Chapter 32 (§§ 9-281 through 9-291) of Title 9 of the Code of Virginia, abolishing the Council on Child Day Care and Early Childhood Programs.

[H 569]

Approved April 1, 1996

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.7, 2.1-20.4, 2.1-51.15, 9-6.25:2, 9-268, 9-271, 9-291.1, 63.1-196.5, 63.1-211.2, and 63.1-314.8 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-1.7. State councils.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:

Adult Education and Literacy, Virginia Advisory Council for
Agricultural Council, Virginia
Alcohol and Drug Abuse Problems, Governor's Council on
Apprenticeship Council
Blue Ridge Regional Education and Training Council
~~Child Day Care and Early Childhood Programs, Virginia Council on~~
Child Day-Care Council
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion
Commonwealth Competition Council
Commonwealth's Attorneys' Services Council
Developmental Disabilities Planning Council, Virginia
Disability Services Council
Equal Employment Opportunity Council, Virginia
Health Services Cost Review Council, Virginia
Housing for the Disabled, Interagency Coordinating Council on
Human Rights, Council on
Human Services Information and Referral Advisory Council
Indians, Council on
Interagency Coordinating Council, Virginia
Job Training Coordinating Council, Governor's
Land Evaluation Advisory Council
Local Debt, State Council on
Maternal and Child Health Council
Military Advisory Council, Virginia
Needs of Handicapped Persons, Overall Advisory Council on the
Prevention, Virginia Council on Coordinating
Public Records Advisory Council, State
Rate-setting for Children's Facilities, Interdepartmental Council on
Revenue Estimates, Advisory Council on
Southside Virginia Marketing Council
Specialized Transportation Council
State Health Benefits Advisory Council
Status of Women, Council on the
Technology Council, Virginia
Virginia Business-Education Partnership Program, Advisory Council on the
Virginia Recycling Markets Development Council.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Council on Information Management
Higher Education, State Council of
Independent Living Council, Statewide
Rehabilitation Advisory Council, Statewide
Rehabilitation Advisory Council for the Blind, Statewide
World Trade Council, Virginia.

§ 2.1-20.4. Bodies receiving compensation.

A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be those which receive compensation from state funds pursuant to § 2.1-20.3:

Accountancy, Board for
Agriculture and Consumer Services, Board of
Air Pollution Control Board, State
Airports Authority, Virginia
Apprenticeship Council
Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
Athletic Board, Virginia
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers, Board for
Branch Pilots, Board for
Building Code Technical Review Board, State
Charitable Gaming Commission
Chesapeake Bay Local Assistance Board
~~Child Day Care and Early Childhood Programs, Virginia Council on~~
Coal Mining Examiners, Board of
College Building Authority
Commonwealth Competition Council
Commonwealth Transportation Board
Conservation and Development of Public Beaches, Board on
Conservation and Recreation, Board of
Contractors, Board for
Correctional Education, Board of
Corrections, Board of
Cosmetology, Board for
Criminal Justice Services Board
Deaf and Hard-of-Hearing, Advisory Board for the
Dentistry, Board of
Education, State Board of
Education Loan Authority, Virginia - Board of Directors
Elections, State Board of
Environment, Council on the
Fire Services Board, Virginia
Funeral Directors and Embalmers, Board of
Game and Inland Fisheries, Board of
Geology, Board for
Health, State Board of
Health Professions, Board of
Hearing Aid Specialists, Board for
Higher Education, State Council of
Historic Resources, Board of
Housing and Community Development, Board of
Information Management, Council on
Marine Resources Commission
Medical Assistance Services, Board of
Medical Complaint Investigation Committee
Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse Services Board, State
Milk Commission
Mineral Mining Examiners, Board of
Motor Vehicle Dealer Board
Nursing, Board of
Nursing Home Administrators, Board of
Occupational Therapy, Advisory Board on
Oil and Gas Conservation Board, Virginia
Opticians, Board for
Optometry, Board of
Pesticide Control Board
Pharmacy, Board of
Physical Therapy, Advisory Board on

Port Authority, Board of Commissioners of the Virginia
Professional and Occupational Regulation, Board for
Professional Counselors, Board of
Professional Soil Scientists, Board for
Psychology, Board of
Public Defender Commission
Public School Authority, Virginia
Purchases and Supply Appeals Board
Real Estate Appraiser Board
Real Estate Board
Recreation Specialists, Board of
Rehabilitative Services, Board of
Respiratory Therapy, Advisory Board on
Safety and Health Codes Board
Seed Potato Board
Social Services, Board of
Social Work, Board of
State Health Department Sewage Handling and Disposal Appeal Review Board
Substance Abuse Certification Board
Surface Mining Review, Board of
Treasury Board
Veterans' Affairs, Board on
Veterinary Medicine, Board of
Virginia Board for Asbestos Licensing
Virginia Health Planning Board
Virginia Manufactured Housing Board
Virginia Veterans Care Center Board of Trustees
Virginia Waste Management Board
Visually Handicapped, Virginia Board for the
(Contingently repealed) Waste Management Facility Operators, Board for
Water Control Board, State
Waterworks and Wastewater Works Operators, Board for
Well Review Board, Virginia
Youth and Family Services, State Board of.

B. Individual members of boards, commissions, committees, councils, and other similar bodies appointed at the state level and receiving compensation for their services on January 1, 1980, but who will not receive compensation under the provisions of this article, shall continue to receive compensation at the January 1, 1980, rate until such member's current term expires.

§ 2.1-51.15. Agencies for which responsible.

The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Visually Handicapped, Department of Health Professions, Department for the Aging, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services, Department of Social Services, Virginia Health Services Cost Review Council, Department for Rights of Virginians With Disabilities, Department of Medical Assistance Services, the Council on Indians, Governor's Employment and Training Department, Child Day-Care Council, Virginia Department for the Deaf and Hard-of-Hearing, *and* the Virginia Council on Coordinating Prevention ~~and the Virginia Council on Child Day Care and Early Childhood Programs~~. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another secretary.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council
Athletic Board
Auctioneers Board
Blue Ridge Regional Education and Training Council
Board for Accountancy
Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
Board for Barbers
Board for Contractors
Board for Cosmetology
Board for Geology
Board for Hearing Aid Specialists
Board for Opticians

Board for Professional and Occupational Regulation
 Board for Professional Soil Scientists
 Board for Waterworks and Wastewater Works Operators
 Board of Agriculture and Consumer Services
 Board of Audiology and Speech-Language Pathology
 Board of Coal Mining Examiners
 Board of Conservation and Recreation
 Board of Correctional Education
 Board of Dentistry
 Board of Directors, Virginia Student Assistance Authorities
 Board of Funeral Directors and Embalmers
 Board of Health Professions
 Board of Historic Resources
 Board of Housing and Community Development
 Board of Medical Assistance Services
 Board of Medicine
 Board of Mineral Mining Examiners
 Board of Nursing
 Board of Nursing Home Administrators
 Board of Optometry
 Board of Pharmacy
 Board of Professional Counselors
 Board of Psychology
 Board of Recreation Specialists
 Board of Social Services
 Board of Social Work
 Board of Surface Mining Review
 Board of Veterinary Medicine
 Board on Conservation and Development of Public Beaches
 Chesapeake Bay Local Assistance Board
~~Child Day Care and Early Childhood Programs, Virginia Council on~~
 Child Day-Care Council
 Commission on Local Government
 Commonwealth Transportation Board
 Council on Human Rights
 Council on Information Management
 Criminal Justice Services Board
 Disability Services Council
 Farmers Market Board, Virginia
 Immigrant and Refugee Policy Council
 Interdepartmental Council on Rate-setting for Children's Facilities
 Library Board, The Library of Virginia
 Marine Resources Commission
 Milk Commission
 Pesticide Control Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Safety and Health Codes Board
 Seed Potato Board
 Southside Virginia Marketing Council
 Specialized Transportation Council
 State Air Pollution Control Board
 State Board of Corrections
 State Board of Elections
 State Board of Health
 State Board of Youth and Family Services
 State Health Department, Sewage Handling and Disposal Appeal Review Board
 State Library Board
 State Mental Health, Mental Retardation and Substance Abuse Services Board
 State Water Control Board
 Substance Abuse Certification Board
 Treasury Board, The, Department of the Treasury
 Virginia Aviation Board

Virginia Board for Asbestos Licensing
 Virginia Fire Services Board
 Virginia Gas and Oil Board
 Virginia Health Planning Board
 Virginia Health Services Cost Review Council
 Virginia Manufactured Housing Board
 Virginia Parole Board
 Virginia Public Telecommunications Board
 Virginia Soil and Water Conservation Board
 Virginia Voluntary Formulary Board
 Virginia Waste Management Board
 Virginia World Trade Council-

(Contingently repealed) Waste Management Facility Operators, Board for.

§ 9-268. Virginia Council on Coordinating Prevention; members; terms.

The Virginia Council on Coordinating Prevention is hereby established. There shall be one member each from the Advisory Board for the Aging, ~~Council on Child Day Care and Early Childhood Programs~~, Board of Correctional Education, State Board of Corrections, State Board of Youth and Family Services, Criminal Justice Services Board, State Board of Education, State Board of Health, Board of Medical Assistance Services, State Mental Health, Mental Retardation and Substance Abuse Services Board, Virginia Board for People with Disabilities, and Board of Social Services, to be appointed by the chairman of the respective board or council. Persons appointed to the Council by virtue of their membership on a board or council listed above may serve on the Council only while a member of the respective board or council and may not serve on the Council for more than two consecutive terms.

Five members shall be representatives of the private sector who are interested in prevention, to be appointed by the Governor. Representatives of the private sector shall serve for terms of four years; ~~except that two of the five members initially appointed shall be appointed for three-year terms~~. Members appointed to the Council by the Governor shall not be eligible to serve more than two consecutive full terms.

The Secretary of Health and Human Resources shall be an ex officio member of the Council. The Governor shall appoint a chairman from the membership of the Council.

§ 9-271. Comprehensive Prevention Plan.

A Comprehensive Prevention Plan shall be jointly developed biennially by the following agencies:

Department for the Aging, ~~Council on Child Day Care and Early Childhood Programs~~, Department of Correctional Education, Department of Corrections, Department of Youth and Family Services, Department of Criminal Justice Services, Department of Education, Department of Health, Department of Medical Assistance Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department for Rights of Virginians With Disabilities, and Department of Social Services. The Secretary of Health and Human Resources shall designate an agency to coordinate development of the Plan. The Comprehensive Prevention Plan shall coordinate and integrate the planning efforts of the state agencies listed above and the private sector in order to provide a broad prevention agenda for the Commonwealth, enable communities to design and implement prevention programs that meet the identified needs of the community and facilitate the development of interagency and broad-based community involvement in the development of prevention programs. The Comprehensive Prevention Plan shall identify priority prevention issues and challenges, prevention goals and objectives and public and private strategies to achieve goals and objectives. For the purposes of the Plan, prevention activities, issues and programs shall be those activities which promote the objective identified in subsection B of § 9-270. The Plan with a cost analysis of the proposed strategies shall be submitted to the House Committee on Health, Welfare and Institutions and the Senate Committees on Rehabilitation and Social Services and Education and Health for the purpose of analysis, review and comment prior to implementation.

§ 9-291.1. (Effective until July 1, 1996) Commission created; powers and duties; appointment and terms of members; vacancies, etc.

A. There is hereby created the Commission on Early Childhood and Child Day Care Programs, hereinafter referred to as the Commission. The purpose of the Commission shall be, through its powers and performance of duties set forth in this chapter, to study and provide recommendations addressing the need for quality developmental early childhood and child day care programs and services. In so doing, it shall encourage the development of uniform policies and services to ensure the availability of quality, affordable and accessible early childhood and child day care programs and provide a forum for continuing the review and study of such programs and services. In addition to its own proposals, the Commission shall coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting such programs and services.

B. The Commission shall be composed of ~~twenty~~ *nineteen* members. ~~The first members of the Commission so to serve shall be the members of the Joint Commission on Health Care Studying Early~~

Childhood and Day Care Programs who served from January 1, 1990, to December 31, 1990. Thereafter, Appointments shall be made as follows: seven members from the House of Delegates to be appointed by the Speaker of the House; four members from the Senate to be appointed by the Senate Committee on Privileges and Elections; and three citizens to be appointed by the Governor, one of whom shall be a representative of the business community, and one of whom shall be a representative of local government. In addition, the Commissioner of Social Services, the Superintendent of Public Instruction, the Director of the State Council of Higher Education, the Chancellor of the Virginia Community College System, the Executive Director of the Virginia Council on Child Day Care and Early Childhood Programs, and the Chairman of the Child Day Care Council shall serve as ex officio members with full voting privileges. The members of the Commission shall elect a chairman and a vice-chairman annually.

All such members of the Commission shall serve until the expiration of their terms of office or until their successors shall qualify. However, the appointments of citizen members shall be for a term of five years. Subsequent appointments shall be made for similar terms, and vacancies shall be filled for the unexpired terms by the persons authorized to make the original appointments.

Commission members shall be compensated as specified in § 14.1-18, and shall be reimbursed for expenses incurred in the performance of their duties.

C. The Commission shall have the power and duty to:

1. Determine the number of at-risk four-year-olds in the Commonwealth and the number of such children who are not enrolled in developmental early childhood or child day care programs;

2. Determine the number of school age children in the Commonwealth and the extent of the need for public school day care programs;

3. Develop a mechanism for the phased integration of and funding for quality developmental early childhood and child day care programs;

4. Assess the need for additional child day care services, and the types of program options desired by families, including the need for employer-sponsored child day care services for state employees;

5. Recommend ways to promote significant parental, state and local, public-private sector, and corporate involvement in and support of early childhood and child day care programs;

6. Monitor and evaluate the implementation of programs to provide appropriate education and training for early childhood professionals and child day care providers;

7. Recommend eligibility criteria for participation in and appropriate ways by which early childhood and day care programs may be provided which minimize the potentiality for competition between the Commonwealth and private day care providers;

8. Review the status of agency efforts to promote the coordination and dissemination of child care information and day care services;

9. Develop incentives to promote the recruitment and retention of qualified early childhood professionals and child day care providers;

10. Review the provisions of and monitor the implementation of the Family Support Act of 1988, the Child Care Act, P.L. 101-508, the Head Start Authorization Increase, P.L. 101-120, and such other federal legislation and regulations concerning early childhood and child day care programs as may be enacted, and recommend such amendments to relevant state statutes as may be necessary to ensure consistency between state and federal law and regulations;

11. Analyze the several policy and legal issues related to early childhood and day care programs, e.g., establishment of entitlement programs, effect on the compulsory school attendance laws, modifications in licensing requirements, and program content, and determine the need for the development of appropriate policy or changes in current state policy and laws pertaining to such issues;

12. Determine the appropriate mechanism for and level of funding necessary to assist low income families and the working poor in obtaining quality, affordable child day care services, including the impact of any state, local, or federal fiscal exigency on early childhood and child day care programs and services;

13. Coordinate the revision and implementation of child day care licensing laws and review such related matters as may be referred to it;

14. Monitor and coordinate health and early intervention programs for young children and such children with special needs to ensure the delivery of appropriate services; and

15. Recommend any statutory, regulatory, or policy changes as it deems necessary to ensure the viability of quality, affordable and accessible early childhood and child day care programs.

D. The Division of Legislative Services shall provide such staff support, both administrative and professional, as the Commission may require. The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by this Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance as it may deem necessary in the performance of its duties.

E. The Commission shall report its findings and recommendations regarding early childhood and child day care programs and services to the 1992 Session of the General Assembly, and thereafter, report annually on the status and needs concerning such programs and services in the Commonwealth to the Governor and the General Assembly.

~~F. This section shall expire on July 1, 1996.~~

§ 63.1-196.5. Application fees; regulations and schedules; use of fees; certain facilities exempt.

The State Board is authorized to establish regulations and schedules for fees to be charged for processing applications for licenses to operate child welfare agencies. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity for children of the facility making application. Such fees shall be used for development and delivery of training for operators and staffs of child welfare agencies. These fees shall not be applicable to facilities operated by federal entities.

The State Board, in consultation with the Child Day Care Council ~~and the Council on Child Day Care and Early Childhood Programs~~, shall develop training programs for operators and staffs of child care agencies. Such programs shall include formal and informal training offered by institutions of higher education, state and national associations representing child care professionals, local and regional early childhood educational organizations and licensed child care providers. To the maximum extent possible, the State Board shall ensure that all provider interests are represented and that no single approach to training will be given preference.

§ 63.1-211.2. Public funds to be withheld for serious or persistent violations.

The State Board of Social Services, ~~and~~ the State Board of Education, ~~and the Virginia Council on Child Day Care and Early Childhood Programs~~ may adopt policies, as permitted by state and federal law, to restrict the eligibility of a licensed child welfare agency to receive or continue to receive funds when such agency is found to be in serious or persistent violation of regulations.

§ 63.1-314.8. Technical Assistance Committee created; duties; membership.

A. There is hereby created a Technical Assistance Committee, which shall provide technical and support services on the operations of the information and referral system as the Council may deem appropriate and shall advise the Council in performing its powers and duties.

B. The membership of the Technical Assistance Committee shall include but not be limited to:

1. Two directors of local departments of public welfare or social services, one serving a rural and one an urban locality, to be appointed by the Commissioner of Social Services; ~~and~~

2. The Commissioners or Directors, or their designees, of the Department of Medical Assistance Services; Department of Health; Department of Mental Health, Mental Retardation and Substance Abuse Services; Department of Rehabilitative Services; Department for the Aging; Department for the Visually Handicapped; Department for Rights of Virginians With Disabilities; Department of Information Technology; Department for the Deaf and Hard-of-Hearing; Department of Health Professions; Department of Corrections; Department of Education; Department of Youth and Family Services; and the Virginia Employment Commission; ~~and~~

3- ~~The Director of the Virginia Council on Child Day Care and Early Childhood Programs.~~

2. That Chapter 32 (§§ 9-281 through 9-291) of Title 9 of the Code of Virginia is repealed.