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HOUSE BILL NO. 569

Offered January 19, 1996

A *BILL 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.*

Patrons—Cox, Callahan and Crouch; Senators: Colgan and Stosch

Referred to Committee on General Laws

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

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60 Rehabilitation Advisory Council, Statewide
61 Rehabilitation Advisory Council for the Blind, Statewide
62 World Trade Council, Virginia.
63 § 2.1-20.4. Bodies receiving compensation.
64 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be
65 those which receive compensation from state funds pursuant to § 2.1-20.3:
66 Accountancy, Board for
67 Agriculture and Consumer Services, Board of
68 Air Pollution Control Board, State
69 Airports Authority, Virginia
70 Apprenticeship Council
71 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
72 Athletic Board, Virginia
73 Auctioneers Board
74 Audiology and Speech-Language Pathology, Board of
75 Aviation Board, Virginia
76 Barbers, Board for
77 Branch Pilots, Board for
78 Building Code Technical Review Board, State
79 (Effective July 1, 1996) Charitable Gaming Commission
80 Chesapeake Bay Local Assistance Board
81 ~~Child Day Care and Early Childhood Programs, Virginia Council on~~
82 Coal Mining Examiners, Board of
83 College Building Authority
84 Commonwealth Competition Council
85 Commonwealth Transportation Board
86 Conservation and Development of Public Beaches, Board on
87 Conservation and Recreation, Board of
88 Contractors, Board for
89 Correctional Education, Board of
90 Corrections, Board of
91 Cosmetology, Board for
92 Criminal Justice Services Board
93 Deaf and Hard-of-Hearing, Advisory Board for the
94 Dentistry, Board of
95 Education, State Board of
96 Education Loan Authority, Virginia - Board of Directors
97 Elections, State Board of
98 Environment, Council on the
99 Fire Services Board, Virginia
100 Funeral Directors and Embalmers, Board of
101 Game and Inland Fisheries, Board of
102 Geology, Board for
103 Health, State Board of
104 Health Professions, Board of
105 Hearing Aid Specialists, Board for
106 Higher Education, State Council of
107 Historic Resources, Board of
108 Housing and Community Development, Board of
109 Information Management, Council on
110 Marine Resources Commission
111 Medical Assistance Services, Board of
112 Medical Complaint Investigation Committee
113 Medicine, Board of
114 Mental Health, Mental Retardation and Substance Abuse Services Board, State
115 Milk Commission
116 Mineral Mining Examiners, Board of
117 Motor Vehicle Dealer Board
118 Nursing, Board of
119 Nursing Home Administrators, Board of
120 Occupational Therapy, Advisory Board on
121 Oil and Gas Conservation Board, Virginia

122 Opticians, Board for
 123 Optometry, Board of
 124 Pesticide Control Board
 125 Pharmacy, Board of
 126 Physical Therapy, Advisory Board on
 127 Port Authority, Board of Commissioners of the Virginia
 128 Professional and Occupational Regulation, Board for
 129 Professional Counselors, Board of
 130 Professional Soil Scientists, Board for
 131 Psychology, Board of
 132 Public Defender Commission
 133 Public School Authority, Virginia
 134 Purchases and Supply Appeals Board
 135 Real Estate Appraiser Board
 136 Real Estate Board
 137 Recreation Specialists, Board of
 138 Rehabilitative Services, Board of
 139 Respiratory Therapy, Advisory Board on
 140 Safety and Health Codes Board
 141 Seed Potato Board
 142 Social Services, Board of
 143 Social Work, Board of
 144 State Health Department Sewage Handling and Disposal Appeal Review Board
 145 Substance Abuse Certification Board
 146 Surface Mining Review, Board of
 147 Treasury Board
 148 Veterans' Affairs, Board on
 149 Veterinary Medicine, Board of
 150 Virginia Board for Asbestos Licensing
 151 Virginia Health Planning Board
 152 Virginia Manufactured Housing Board
 153 Virginia Veterans Care Center Board of Trustees
 154 Virginia Waste Management Board
 155 Visually Handicapped, Virginia Board for the
 156 (Contingent repeal - See Editor's note) Waste Management Facility Operators, Board for
 157 Water Control Board, State
 158 Waterworks and Wastewater Works Operators, Board for
 159 Well Review Board, Virginia
 160 Youth and Family Services, State Board of.
 161 B. Individual members of boards, commissions, committees, councils, and other similar bodies
 162 appointed at the state level and receiving compensation for their services on January 1, 1980, but who
 163 will not receive compensation under the provisions of this article, shall continue to receive compensation
 164 at the January 1, 1980, rate until such member's current term expires.
 165 § 2.1-51.15. Agencies for which responsible.
 166 The Secretary of Health and Human Resources shall be responsible to the Governor for the following
 167 agencies: Department of Health, Department for the Visually Handicapped, Department of Health
 168 Professions, Department for the Aging, Department of Mental Health, Mental Retardation and Substance
 169 Abuse Services, Department of Rehabilitative Services, Department of Social Services, Virginia Health
 170 Services Cost Review Council, Department for Rights of Virginians With Disabilities, Department of
 171 Medical Assistance Services, the Council on Indians, Governor's Employment and Training Department,
 172 Child Day-Care Council, Virginia Department for the Deaf and Hard-of-Hearing, *and* the Virginia
 173 Council on Coordinating Prevention ~~and the Virginia Council on Child Day Care and Early Childhood~~
 174 ~~Programs~~. The Governor may, by executive order, assign any other state executive agency to the
 175 Secretary of Health and Human Resources, or reassign any agency listed above to another secretary.
 176 § 9-6.25:2. Policy boards, commissions and councils.
 177 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
 178 following policy boards, commissions and councils:
 179 Apprenticeship Council
 180 Athletic Board
 181 Auctioneers Board
 182 Blue Ridge Regional Education and Training Council

183	Board for Accountancy
184	Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
185	Board for Barbers
186	Board for Contractors
187	Board for Cosmetology
188	Board for Geology
189	Board for Hearing Aid Specialists
190	Board for Opticians
191	Board for Professional and Occupational Regulation
192	Board for Professional Soil Scientists
193	Board for Waterworks and Wastewater Works Operators
194	Board of Agriculture and Consumer Services
195	Board of Audiology and Speech-Language Pathology
196	Board of Coal Mining Examiners
197	Board of Conservation and Recreation
198	Board of Correctional Education
199	Board of Dentistry
200	Board of Directors, Virginia Student Assistance Authorities
201	Board of Funeral Directors and Embalmers
202	Board of Health Professions
203	Board of Historic Resources
204	Board of Housing and Community Development
205	Board of Medical Assistance Services
206	Board of Medicine
207	Board of Mineral Mining Examiners
208	Board of Nursing
209	Board of Nursing Home Administrators
210	Board of Optometry
211	Board of Pharmacy
212	Board of Professional Counselors
213	Board of Psychology
214	Board of Recreation Specialists
215	Board of Social Services
216	Board of Social Work
217	Board of Surface Mining Review
218	Board of Veterinary Medicine
219	Board on Conservation and Development of Public Beaches
220	Chesapeake Bay Local Assistance Board
221	Child Day Care and Early Childhood Programs, Virginia Council on
222	Child Day-Care Council
223	Commission on Local Government
224	Commonwealth Transportation Board
225	Council on Human Rights
226	Council on Information Management
227	Criminal Justice Services Board
228	Disability Services Council
229	Farmers Market Board, Virginia
230	Immigrant and Refugee Policy Council
231	Interdepartmental Council on Rate-setting for Children's Facilities
232	Library Board, the Library of Virginia
233	Marine Resources Commission
234	Milk Commission
235	Pesticide Control Board
236	Real Estate Appraiser Board
237	Real Estate Board
238	Reciprocity Board, Department of Motor Vehicles
239	Safety and Health Codes Board
240	Seed Potato Board
241	Southside Virginia Marketing Council
242	Specialized Transportation Council
243	State Air Pollution Control Board
244	State Board of Corrections

245 State Board of Elections
 246 State Board of Health
 247 State Board of Youth and Family Services
 248 State Health Department, Sewage Handling and Disposal Appeal Review Board
 249 State Library Board
 250 State Mental Health, Mental Retardation and Substance Abuse Services Board
 251 State Water Control Board
 252 Substance Abuse Certification Board
 253 Treasury Board, The, Department of the Treasury
 254 Virginia Aviation Board
 255 Virginia Board for Asbestos Licensing
 256 Virginia Fire Services Board
 257 Virginia Gas and Oil Board
 258 Virginia Health Planning Board
 259 Virginia Health Services Cost Review Council
 260 Virginia Manufactured Housing Board
 261 Virginia Parole Board
 262 Virginia Public Telecommunications Board
 263 Virginia Soil and Water Conservation Board
 264 Virginia Voluntary Formulary Board
 265 Virginia Waste Management Board
 266 Virginia World Trade Council.
 267 (For repeal - See Editor's note) Waste Management Facility Operators, Board for.
 268 § 9-268. Virginia Council on Coordinating Prevention; members; terms.

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

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

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

286 § 9-271. Comprehensive Prevention Plan.

287 A Comprehensive Prevention Plan shall be jointly developed biennially by the following agencies:
 288 Department for the Aging, ~~Council on Child Day Care and Early Childhood Programs~~, Department
 289 of Correctional Education, Department of Corrections, Department of Youth and Family Services,
 290 Department of Criminal Justice Services, Department of Education, Department of Health, Department of
 291 Medical Assistance Services, Department of Mental Health, Mental Retardation and Substance Abuse
 292 Services, Department for Rights of Virginians With Disabilities, and Department of Social Services. The
 293 Secretary of Health and Human Resources shall designate an agency to coordinate development of the
 294 Plan. The Comprehensive Prevention Plan shall coordinate and integrate the planning efforts of the state
 295 agencies listed above and the private sector in order to provide a broad prevention agenda for the
 296 Commonwealth, enable communities to design and implement prevention programs that meet the
 297 identified needs of the community and facilitate the development of interagency and broad-based
 298 community involvement in the development of prevention programs. The Comprehensive Prevention
 299 Plan shall identify priority prevention issues and challenges, prevention goals and objectives and public
 300 and private strategies to achieve goals and objectives. For the purposes of the Plan, prevention activities,
 301 issues and programs shall be those activities which promote the objective identified in subsection B of
 302 § 9-270. The Plan with a cost analysis of the proposed strategies shall be submitted to the House
 303 Committee on Health, Welfare and Institutions and the Senate Committees on Rehabilitation and Social
 304 Services and Education and Health for the purpose of analysis, review and comment prior to
 305 implementation.

306 § 9-291.1. (Effective until July 1, 1996) Commission created; powers and duties; appointment and
307 terms of members; vacancies, etc.

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

317 B. The Commission shall be composed of ~~twenty~~ *nineteen* members. ~~The first members of the~~
318 ~~Commission so to serve shall be the members of the Joint Commission on Health Care Studying Early~~
319 ~~Childhood and Day Care Programs who served from January 1, 1990, to December 31, 1990. Thereafter,~~
320 ~~appointments~~ *Appointments* shall be made as follows: seven members from the House of Delegates to
321 be appointed by the Speaker of the House; four members from the Senate to be appointed by the Senate
322 Committee on Privileges and Elections; and three citizens to be appointed by the Governor, one of
323 whom shall be a representative of the business community, and one of whom shall be a representative
324 of local government. In addition, the Commissioner of Social Services, the Superintendent of Public
325 Instruction, the Director of the State Council of Higher Education, the Chancellor of the Virginia
326 Community College System, ~~the Executive Director of the Virginia Council on Child Day Care and~~
327 ~~Early Childhood Programs,~~ and the Chairman of the Child Day Care Council shall serve as ex officio
328 members with full voting privileges. The members of the Commission shall elect a chairman and a
329 vice-chairman annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

365 12. Determine the appropriate mechanism for and level of funding necessary to assist low income
366 families and the working poor in obtaining quality, affordable child day care services, including the
367 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.