

LD3432809

**HOUSE BILL NO. 2554**

Offered January 23, 1995

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, 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, Crouch, Dudley, Ingram, Ruff, Wagner and Wilkins; Senators: Benedetti, Martin and Stolle

Referred to Committee on Health, Welfare and Institutions

**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, 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'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  
Long-Term Care Council  
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

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

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

183	Board for Barbers
184	Board for Contractors
185	Board for Cosmetology
186	Board for Geology
187	Board for Hearing Aid Specialists
188	Board for Opticians
189	Board for Professional and Occupational Regulation
190	Board for Professional Soil Scientists
191	Board for Waterworks and Wastewater Works Operators
192	(Effective July 1, 1995) Board for the Visually Handicapped
193	Board of Agriculture and Consumer Services
194	Board of Audiology and Speech-Language Pathology
195	Board of Coal Mining Examiners
196	Board of Conservation and Recreation
197	Board of Correctional Education
198	Board of Dentistry
199	Board of Directors, Virginia Student Assistance Authorities
200	Board of Funeral Directors and Embalmers
201	Board of Health Professions
202	Board of Historic Resources
203	Board of Housing and Community Development
204	Board of Medical Assistance Services
205	Board of Medicine
206	Board of Mineral Mining Examiners
207	Board of Nursing
208	Board of Nursing Home Administrators
209	Board of Optometry
210	Board of Pharmacy
211	Board of Professional Counselors
212	Board of Psychology
213	Board of Recreation Specialists
214	Board of Social Services
215	Board of Social Work
216	Board of Surface Mining Review
217	Board of Veterinary Medicine
218	Board on Conservation and Development of Public Beaches
219	Chesapeake Bay Local Assistance Board
220	<del>Child Day Care and Early Childhood Programs, Virginia Council on</del>
221	Child Day-Care Council
222	Commission on Local Government
223	Commonwealth Transportation Board
224	Council on Human Rights
225	Council on Information Management
226	Criminal Justice Services Board
227	Disability Services Council
228	Farmers Market Board, Virginia
229	Interdepartmental Council on Rate-setting for Children's Facilities
230	Library Board, the Library of Virginia
231	Marine Resources Commission
232	Milk Commission
233	Pesticide Control Board
234	Real Estate Appraiser Board
235	Real Estate Board
236	Reciprocity Board, Department of Motor Vehicles
237	Safety and Health Codes Board
238	Seed Potato Board
239	Southside Virginia Marketing Council
240	Specialized Transportation Council
241	State Air Pollution Control Board
242	State Board of Corrections
243	State Board of Elections
244	State Board of Health

245 State Board of Youth and Family Services  
 246 State Health Department, Sewage Handling and Disposal Appeal Review Board  
 247 State Library Board  
 248 State Mental Health, Mental Retardation and Substance Abuse Services Board  
 249 State Water Control Board  
 250 Substance Abuse Certification Board  
 251 Treasury Board, The, Department of the Treasury  
 252 Virginia Aviation Board  
 253 Virginia Board for Asbestos Licensing  
 254 Virginia Fire Services Board  
 255 Virginia Gas and Oil Board  
 256 Virginia Health Planning Board  
 257 Virginia Health Services Cost Review Council  
 258 Virginia Manufactured Housing Board  
 259 Virginia Parole Board  
 260 Virginia Public Telecommunications Board  
 261 Virginia Soil and Water Conservation Board  
 262 Virginia Voluntary Formulary Board  
 263 Virginia Waste Management Board  
 264 Virginia World Trade Council

265 Waste Management Facility Operators, Board for.

266 § 9-268. Virginia Council on Coordinating Prevention; members; terms.

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

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

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

284 § 9-271. Comprehensive Prevention Plan.

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

304 § 9-291.1. (Effective until July 1, 1996) Commission created; powers and duties; appointment and  
 305 terms of members; vacancies, etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

367 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.

§ 63.1-314.8. 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.**