

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*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

**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

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57 Rehabilitation Advisory Council for the Blind, Statewide  
 58 World Trade Council, Virginia.  
 59 § 2.1-20.4. Bodies receiving compensation.  
 60 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be  
 61 those which receive compensation from state funds pursuant to § 2.1-20.3:  
 62 Accountancy, Board for  
 63 Agriculture and Consumer Services, Board of  
 64 Air Pollution Control Board, State  
 65 Airports Authority, Virginia  
 66 Apprenticeship Council  
 67 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for  
 68 Athletic Board, Virginia  
 69 Auctioneers Board  
 70 Audiology and Speech-Language Pathology, Board of  
 71 Aviation Board, Virginia  
 72 Barbers, Board for  
 73 Branch Pilots, Board for  
 74 Building Code Technical Review Board, State  
 75 Charitable Gaming Commission  
 76 Chesapeake Bay Local Assistance Board  
 77 ~~Child Day Care and Early Childhood Programs, Virginia Council on~~  
 78 Coal Mining Examiners, Board of  
 79 College Building Authority  
 80 Commonwealth Competition Council  
 81 Commonwealth Transportation Board  
 82 Conservation and Development of Public Beaches, Board on  
 83 Conservation and Recreation, Board of  
 84 Contractors, Board for  
 85 Correctional Education, Board of  
 86 Corrections, Board of  
 87 Cosmetology, Board for  
 88 Criminal Justice Services Board  
 89 Deaf and Hard-of-Hearing, Advisory Board for the  
 90 Dentistry, Board of  
 91 Education, State Board of  
 92 Education Loan Authority, Virginia - Board of Directors  
 93 Elections, State Board of  
 94 Environment, Council on the  
 95 Fire Services Board, Virginia  
 96 Funeral Directors and Embalmers, Board of  
 97 Game and Inland Fisheries, Board of  
 98 Geology, Board for  
 99 Health, State Board of  
 100 Health Professions, Board of  
 101 Hearing Aid Specialists, Board for  
 102 Higher Education, State Council of  
 103 Historic Resources, Board of  
 104 Housing and Community Development, Board of  
 105 Information Management, Council on  
 106 Marine Resources Commission  
 107 Medical Assistance Services, Board of  
 108 Medical Complaint Investigation Committee  
 109 Medicine, Board of  
 110 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 111 Milk Commission  
 112 Mineral Mining Examiners, Board of  
 113 Motor Vehicle Dealer Board  
 114 Nursing, Board of  
 115 Nursing Home Administrators, Board of  
 116 Occupational Therapy, Advisory Board on  
 117 Oil and Gas Conservation Board, Virginia

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

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

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

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

264 § 9-268. Virginia Council on Coordinating Prevention; members; terms.

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

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

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

282 § 9-271. Comprehensive Prevention Plan.

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

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