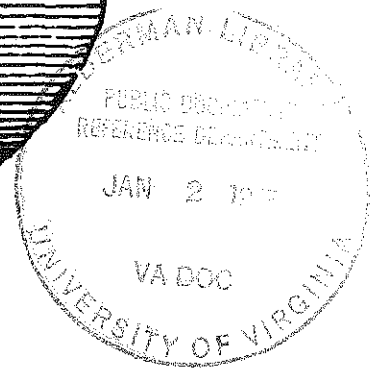
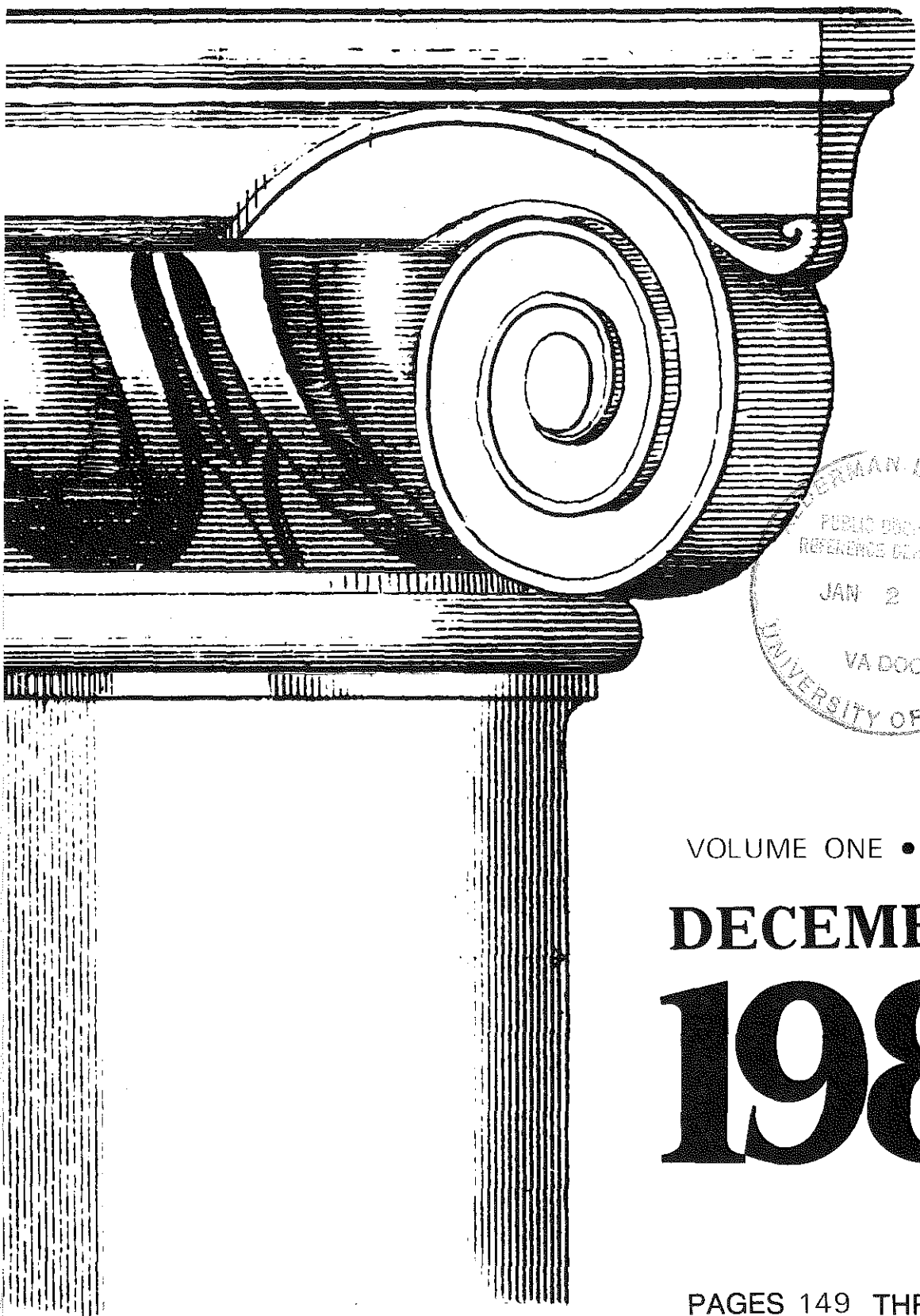


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# THE VIRGINIA REGISTER

VA  
DOC

OF REGULATIONS



VOLUME ONE • ISSUE FIVE

DECEMBER 10

# 1984

PAGES 149 THROUGH 233

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 VA.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

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**Members of the Virginia Code Commission:** Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; William G. Broaddus, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

**Staff of the Virginia Register:** Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

**Citizen Participation in the Rule-Making Process**

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

**How to Follow State Agency Regulatory Action in the Virginia Register**

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

*VIRGINIA REGISTER OF REGULATIONS*  
**PUBLICATION DEADLINES AND SCHEDULES**

ISSUE DATE	MATERIAL SUBMITTED BY 4:30 p.m. Friday	Will be included in PUBLICATION MAILED on Friday
Oct. 15 .....	Sept. 28 .....	Oct. 12
Oct. 29 .....	Oct. 12 .....	Oct. 26
Nov. 12 .....	Oct. 26 .....	Nov. 9
Nov. 26 .....	Nov. 9 .....	Nov. 23
Dec. 10 .....	Nov. 23 .....	Dec. 7
Dec. 24 .....	Dec. 7 .....	Dec. 21
Jan. 7 .....	Dec. 21 .....	Jan. 4
Jan. 21 .....	Jan. 4 .....	Jan. 18
		Quarterly Index
Feb. 4 .....	Jan. 18 .....	Feb. 1
Feb. 18 .....	Feb. 1 .....	Feb. 15
Mar. 4 .....	Feb. 15 .....	Mar. 1
Mar. 18 .....	Mar. 1 .....	Mar. 15
Apr. 1 .....	Mar. 15 .....	Mar. 29
Apr. 15 .....	Mar. 29 .....	Apr. 12
		Quarterly Index
Apr. 29 .....	Apr. 12 .....	Apr. 26
May 13 .....	Apr. 26 .....	May 10
May 27 .....	May 10 .....	May 24
June 10 .....	May 24 .....	June 7
June 24 .....	June 7 .....	June 21
July 8 .....	June 21 .....	July 5
		Quarterly Index
July 22 .....	July 5 .....	July 19
Aug. 5 .....	July 19 .....	Aug. 2
Aug. 19 .....	Aug. 2 .....	Aug. 16
Sept. 2 .....	Aug. 16 .....	Aug. 30
Sept. 16 .....	Aug. 30 .....	Sept. 13
Sept. 30 .....	Sept. 13 .....	Sept. 27
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# PROPOSED REGULATIONS

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## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

## DEPARTMENT OF CORRECTIONS

### Title of Regulations: § 230-01-1. Public Participation Guidelines

Statutory Authority: §§ 53.1-5 and 53.1-10 of the Code of Virginia.

#### Summary and Analysis:

*These regulations establish guidelines for participation by interested parties in the formation, development, and adoption of the regulations that the State Board of Corrections and the Director of the Department of Corrections are required to promulgate by state law.*

### § 230-01-1. Public Participation Guidelines

#### PART I

#### General Provisions

##### §1.1. Definitions

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"AGENCY" means any authority, instrumentality, officer, board, or other unit of state government empowered by the basic laws to make regulations or decide cases but excluding (i) the General Assembly, (ii) courts, and any agency which by the Constitution of Virginia is expressly granted any of the powers of a court of record, (iii) municipal corporations, counties, and other local or regional governmental authorities including sanitary or other districts, and joint state-federal interstate, or intermunicipal authorities.

"AGENCY REGULATORY COORDINATOR" means the individual appointed by the director to provide technical assistance to the operating units and to coordinate regulations.

"DEPARTMENT" means the Virginia Department of Corrections.

"DIRECTOR" means the State Corrections Director.

"OPERATING UNIT" means the offices of the director. Deputy directors, assistant directors or other offices within the department that will develop, draft and promulgate a

regulation.

"REGULATION" means any statement of law, policy, right, requirement, or prohibition formulated and promulgated by an agency as a rule, standard, or guide for public or private observance or for the decision of cases thereafter by the agency or by any other agency, authority, or court. Exemptions to this requirement are those listed in §§ 9-6.14:10 and 9-6.14:20 of the Code or as determined by the Attorney General's office.

##### § 1.2 Authority

Chapter 1.1:1 of Title 9 of the Code of Virginia deals with the promulgation of rules and regulations. Specifically, § 9-6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 53.1-5 of the Code empowers the Board of Corrections to make, adopt and promulgate rules and regulations.

##### § 1.3 Purpose

These guidelines are designed to provide consistent, written procedures that will ensure input from interested parties during the development, review and final stages of the regulatory process.

##### § 1.4 Administration

A. The State Board of Corrections has the responsibility for promulgating regulations pertaining to public input in the regulatory process.

B. The State Corrections Director is the Chief Executive Officer of the Department of Corrections and is responsible for implementing the standards and goals of the board.

##### § 1.5 Application of Regulations

These regulations have general application throughout the Commonwealth.

##### § 1.6 Effective Date - April 1, 1985

##### § 1.7 Application of the Administrative Process Act

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code, shall govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings and appeals. All hearings on such regulations

# Proposed Regulations

shall be conducted in accordance with § 9-6.14:7.1.

## § 1.8 Severability

If any provision of these regulations or the application of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

## PART II

### Public Participation

#### § 2.1 Identification of Interested Parties

Each operating unit within the department which is responsible for rule making will develop and maintain a current list of those persons, organizations, and agencies that have demonstrated an interest in specific program regulations in the past through written comments or attendance at public hearings.

#### § 2.2 Notification of Interested Parties

A. *Individual Mailings.* When an operating unit of the department determines that specific regulations need to be developed or substantially modified, the operating unit will so notify by mail the individuals, organizations, and agencies identified as interested parties in section "I" of these regulations. This notice will invite those interested in providing input to notify the agency of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, and telephone number; and the date by which a notice of a desire to comment must be received. In addition, known parties having interest and expertise will be advised through a special mailing of the agency's desire to develop a regulation and will be invited to assist the operating unit in developing the regulation or in providing input.

B. *Notice of Intent.* When an operating unit of the department determines that specific regulations that are covered by the Administrative Process Act need to be developed or substantially modified, the operating unit will publish a Notice of Intent in The Virginia Register. This notice will invite those interested in providing input to notify the operating unit of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, and telephone number; and the date by which a notice of a desire to comment must be received. All notices will be coordinated through the agency regulatory coordinator before being forwarded for publication.

#### § 2.3 Solicitation of Input from Interested Parties

A. *Advisory Panels.* Whenever an operating unit proposes to develop or substantially modify a regulation, it may create an advisory panel to assist in this development or modification. Advisory panels will be established on an ad hoc basis.

1. Members of advisory panels will consist of a balanced representation of individuals and representatives of organizations and agencies identified as interested in section "I" of these regulations and who have expressed a desire to comment on new or modified regulations in the developmental process. Each panel will consist of no less than three members.

2. Individual panels will establish their own operating procedure, but in no case will a panel meet less than twice. All comments on proposed regulations will be documented by the operating unit and a response will be developed for each comment.

B. *Other Comments.* All persons, organizations, and agencies who respond to the individual mailings and the Notice of Intent shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the operating unit. The operating unit will document the receipt of these comments and will respond to each commentor. The operating unit shall consider all input received as a result of responses to notifications mailed to interested parties in the formulation and drafting of proposed regulations.

#### § 2.4. Administrative Process Act Procedures

After regulations have been developed according to these guidelines, they will be submitted for public comment under § 9-6.14 of the Code of Virginia and promulgated finally under this section of the Code.

## VIRGINIA COMMISSION OF HEALTH REGULATORY BOARDS

Title of Regulations: § 364-01-1. Regulations of the Commission of Health Regulatory Boards

Statutory Authority: § 54-955.1 J. of the Code of Virginia.

#### Summary and Analysis:

The proposed regulation defines procedures for the solicitation and participation of interested parties in the initiation, development and adoption of regulations by the Virginia Commission of Health Regulatory Boards.

§ 364-01-1. Rules and Regulations of the Commission of Health Regulatory Boards.

# Proposed Regulations

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## PART I PUBLIC PARTICIPATION GUIDELINES

### § 1.1 Mailing Lists

The Virginia Department of Health Regulatory Boards will maintain on behalf of the Virginia Commission of Health Regulatory Boards a list of persons and organizations who will be mailed the following documents related to the promulgation of regulations:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "Notice of informational proceeding", the subject of which is proposed regulation(s) or review of existing regulation(s).
3. Final regulation(s) adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

### § 1.2 Being Placed on List; Deletion

Any person wishing to be placed on the mailing list may do so by writing the Commission. In addition, the Commission, in its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1.1. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

### § 1.3 Notice of Intent

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the Commission will publish a "notice of intent". This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

### § 1.4 Informational Proceeding or Public Hearings for Existing Rules

At least once each biennium, the Commission will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted

to the Registrar of Regulations for inclusion in The Virginia Register. Such proceeding may be held separately or in conjunction with other informational proceedings.

### § 1.5 Petition for Rulemaking

Any person may petition the Commission to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the Commission. The Commission shall have sole authority to dispose of the petition.

### § 1.6 Notice of Formulation and Adoption

At any meeting of the Commission or any subcommittee or advisory committee where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

### § 1.7 Advisory Committees

The Commission of Health Regulatory Boards may appoint such advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

## VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS

Title of Regulations: § 365-01-1. Rules and Regulations of the Virginia Department of Health Regulatory Boards

Statutory Authority: § 54-955.K of the Code of Virginia.

### Summary and Analysis:

The proposed regulation defines procedures for the solicitation and participation of interested persons in the initiation, development and adoption of regulations by the Virginia Department of Health Regulatory Boards. These Public Participation Guidelines will be maintained by the Department on its own behalf and on behalf of the Virginia Commission of Health Regulatory Boards and will not apply to the various health regulatory boards administered within the Department.

§ 365-01-1. Rules and Regulations of the Virginia Department of Health Regulatory Boards.

## PART I PUBLIC PARTICIPATION GUIDELINES

### § 1.1 Mailing Lists

The Virginia Department of Health Regulatory Boards will maintain on its own behalf and on behalf of the Virginia Commission of Health Regulatory Boards a list of

# Proposed Regulations

persons and organizations who will be mailed the following documents related to the promulgation of regulations:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "Notice of informational proceeding", the subject of which is proposed regulation(s) or review of existing regulation(s).
3. Final regulation(s) adopted.

Failure of these persons and organization to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

## § 1.2 Being Placed on List; Deletion

Any person wishing to be placed on the mailing list may do so by writing the Department. In addition, the Department, in its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1.1. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

## § 1.3 Notice of Intent

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:7.1 of the Code of Virginia, the Department will publish a "notice of intent". This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

## § 1.4 Informational Proceeding or Public Hearings for Existing Rules

At least once each biennium, the Department will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in The Virginia Register. Such proceeding may be held separately or in conjunction with other informational proceedings.

## § 1.5 Petition for Rulemaking

Any person may petition the Department or Commission to adopt, amend, or delete any regulation. Any

petition received shall appear on the next agenda of the Commission. The Commission shall have sole authority to dispose of the petition.

## § 1.6 Notice of Formulation and Adoption

At any meeting of the Commission or any subcommittee or advisory committee where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in The Virginia Register.

## § 1.7 Advisory Committees

The Department of Health Regulatory Boards may appoint such advisory committees as it deems necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Note: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

**Title of Regulations:** § 400.02.0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income

**Subtitle:** Calculations of Loan Amounts - Mortgage Insurance Requirements

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia

### Summary and Analysis:

The proposed amendment will (i) modify and establish the maximum principal amount of single-family mortgage loans and (ii) clarify the amount of private mortgage insurance coverage required by the Authority for its single-family mortgage loans.

§ 400.02.0003. Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income.

As authorized by Rule 103 of the Rules and Regulations of the Virginia Housing Development Authority (the "Authority") adopted on January 17, 1984, pursuant to § 36-55.30:3 of the Code of Virginia, the Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income approved by the Authority on January 17, 1984, are hereby amended as follows:

1. The first paragraph of § 1.6, Calculations of Loan Amount in the Processing and Disbursing Guide, is



# Proposed Regulations

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amended to state as follows:

"Single-family detached residence and townhouse (fee simple ownership) - ~~98% of the first \$25,000 and 95% of all in excess of \$25,000 of the sales price or appraised value, whichever is less. Maximum of 95% of the lesser of the sales price or appraised value, except as may otherwise be approved by the Authority.~~"

2. The first sentence in § 1.7, Mortgage Insurance Requirements in the Processing and Disbursing Guide, is amended to state as follows:

"Unless the loan is insured or guaranteed by FHA or VA, the borrower is required to purchase at time of loan closing full private mortgage insurance ~~(at least 25% coverage~~ 25% to 100% coverage, as the Authority shall determine ) on all loans which exceed 80% of the lesser of sales price or appraised value."

**Title of Regulations:** § 400.02.0008. Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia

**Summary and Analysis:**

*This proposed regulation establishes procedures, instructions and guidelines for the implementation and administration of the Virginia Rental Rehabilitation Program.*

§ 400.02.0008. Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program.

§ 1. Definitions

The following words and terms, when used herein, shall have the following meaning, unless the context indicates otherwise.

"Executive Director" means the Executive Director of VHDA or any other officer or employee of VHDA who is authorized to act on behalf of VHDA pursuant to a resolution of the Board.

"Grantee" means any unit of local government that enters into a grant agreement with VHDA to administer a rental rehabilitation grant.

"HUD" means the U. S. Department of Housing and Urban Development.

"Section 8" means Section 8 of the United States Housing Act of 1937, as amended, and the applicable rules and regulations promulgated thereunder.

"VHDA" means Virginia Housing Development

Authority.

These definitions supplement those contained in 24 CFR 511.2 and other applicable sections of the Code of Federal Regulations. Only those terms not defined in the Federal Code or used differently herein have been defined.

§ 2. Purpose and Applicability

These procedures, instructions and guidelines are adopted pursuant to Rule 103 of the VHDA Rules and Regulations adopted on January 17, 1984, pursuant to § 36-55.30:3 of the Code of Virginia. The effective date of these procedures, instructions and guidelines is December 18, 1984.

The following procedures, instructions and guidelines are applicable to all grants made by VHDA to units of local government with funds allocated to VHDA by HUD for the purpose of carrying out local rental rehabilitation programs for the benefit of lower income families and persons. Such grants are referred to herein as "rental rehabilitation grants".

These procedures, instructions and guidelines supplement and clarify rather than supercede federal program requirements. VHDA and all local grantees are fully bound by the applicable requirements of 24 CFR Part 511, as well as governing federal and state laws in the administration and use of funds received from HUD under the federal Rental Rehabilitation Program.

Notwithstanding anything to the contrary herein, the Executive Director is authorized with respect to any rental rehabilitation grant to waive or modify any provisions herein where deemed appropriate by him for good cause, to the extent not inconsistent with VHDA's Act, Rules and Regulations, and any applicable federal regulations.

All reviews, analyses, evaluations, inspections, determinations and other actions by VHDA pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of VHDA, and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of VHDA or the grantee under the agreements and documents executed in connection with a rental rehabilitation grant.

The procedures, instructions and guidelines set forth herein are intended to provide a general description of VHDA's requirements and are not intended to include all actions involved or required in the administration of grants under the Virginia Rental Rehabilitation Program. These procedures, instructions and guidelines are subject to change at any time by VHDA and may be supplemented by policies, procedures, instructions and guidelines adopted by VHDA from time to time with respect to the Virginia Rental Rehabilitation Program.

## § 3. Program Eligibility

A. **Eligible Localities** - VHDA will accept applications for rental rehabilitation grants from any city, town or county determined by HUD to be eligible for participation in the Virginia Rental Rehabilitation Program. Eligible counties may only use rental rehabilitation grants in areas which have been determined by the federal government to be ineligible for housing assistance from the U. S. Farmers Home Administration. VHDA will maintain a current listing of eligible local governments.

B. **Eligible Neighborhoods** - Applicants must document that each neighborhood in which rental rehabilitation grants are used meets the following two conditions:

1. **Neighborhood Income Level** - According to the 1980 U. S. Census, the median household income in the neighborhood must be at or below 80% of the median household income for the housing market area.

2. **Rent Stability/Affordability** - Rents in the neighborhood must be stable and generally affordable to lower income persons. An applicant must document rent stability/affordability in one of the following three ways:

a. **Rent Trends** - An applicant may document that, according to the U. S. Census, the increase in average contract rent in the neighborhood between 1970 and 1980 was equal to or less than the increase in average contract rent in the housing market area;

b. **Current Rent Survey** - An applicant may survey current neighborhood rents to document that rents are generally at or below the Section 8 Fair Market Rent limits for existing housing; or

c. **Other Evidence** - An applicant may document that, according to the 1980 U. S. Census, the median gross rent in the neighborhood was at or below the Section 8 Fair Market Rent limit for an existing two-bedroom unit that was applicable for the housing market area in April, 1980, and provide some type of evidence that the neighborhood housing market has been stable since 1980 (e.g., assessed property values or building permit activity have not increased more rapidly than in the housing market area as a whole).

C. **Eligible Projects** - Rental rehabilitation grants may only be used to rehabilitate projects meeting the requirements of 24 CFR 511.10(c).

## § 4. Allocation of Funds

A. **Types of Allocations** - VHDA will accept the following two types of applications from eligible local governments for rental rehabilitation grants:

1. **General Allocations** - VHDA will make allocations of funds to local governments on a first-come, first-served basis for use in carrying out locally-designed rental

rehabilitation programs. The following conditions will apply:

a. Each local allocation will be limited to a specific dollar amount.

b. Once a local government has committed 80% of its funds to specific projects, it will be eligible to apply for an additional general allocation.

c. Initial allocations will expire 12 months from the date VHDA enters into a grant agreement with HUD, and any additional allocations will expire 15 months from the date VHDA enters into a grant agreement with HUD.

d. Upon the expiration of an allocation, any uncommitted grant funds will be recaptured.

e. VHDA will reserve the right to recapture monies from an additional general allocation prior to its expiration, if necessary, due to poor local performance and the need to commit state program funds in a timely manner.

2. **Funding for Specific Projects** - VHDA will fund, on a first-come, first-served basis, applications submitted by eligible local governments for specific projects. The following conditions will apply:

a. Total funding, including any prior general or project allocations, will be limited to a specific dollar amount.

b. A locality with an uncommitted general allocation will be expected to commit these funds to the project prior to requesting additional monies.

The funding limit for specific projects will be lifted only in the event that state grant monies are not being committed in a timely manner.

B. **Application Procedures** - VHDA will issue a notice of funds availability to all eligible units of local governments in each federal fiscal year in which grant funds are allocated to the Commonwealth. Such notice will include the applicable funding limits and a timetable for the submission and review of applications for each type of funds allocation.

Specific application requirements and review procedures will be provided in application packets and through such workshops/training sessions as VHDA deems appropriate. Applications for grant funds will be expected to include the following types of information:

1. **General Allocations** - Applications for general allocations will include an identification and description of program neighborhoods; the locality's method of identifying and selecting projects; a description of local program operating procedures; a description of steps to be taken to ensure adequate maintenance and operation of projects receiving rental rehabilitation funds; a description of steps

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to be taken to encourage the use of minority and women-owned businesses; a description of the anticipated form of assistance to be provided to property owners and the means by which the amount of assistance will be determined; an indication of the anticipated source of matching funds; a description of any assistance to be provided to property owners in obtaining matching funds; an affirmative marketing plan (see § 5.I.2.); an agreement to comply with all federal and state program requirements; and other information as requested by VHDA in the application packet.

2. **Funding for Specific Projects** - An application for funding for a specific project will include information concerning the project's conformance with neighborhood standards; a description of local program operating procedures; a description of steps to be taken to ensure adequate project maintenance and operation; a description of steps to be taken to encourage the use of minority and women-owned businesses; a description of the project's financing package; an affirmative marketing plan; information concerning expected displacement/relocation of lower income persons; an agreement to comply with all federal and state program requirements; and other information as requested by VHDA in the application packet.

C. **Grant Agreement** - Upon the approval of an application for funding, VHDA will enter into a grant agreement with the local government stating the terms and conditions under which funds will be provided.

## § 5. Program Requirements

A. **Lower Income Benefit** - Each grantee must use at least 70% of its rental rehabilitation grant to benefit lower income families in accordance with 24 CFR 511.10(a)(4). This benefit standard must be maintained by each grantee in its program at all times unless waived by VHDA. A waiver will only be approved when true hardship exists and when such a waiver will not prevent VHDA from achieving an overall 70% benefit standard in the Virginia Rental Rehabilitation Program.

B. **Family Benefit** - Each grantee must use at least 70% of its rental rehabilitation grant to rehabilitate units containing two or more bedrooms in accordance with 24 CFR 511.10(k). This standard must be maintained by each grantee in its program at all times unless waived by VHDA. A waiver will only be approved when true hardship exists and when such a waiver will not prevent VHDA from achieving an overall 70% standard in the Virginia Rental Rehabilitation Program, except in cases where VHDA has applied for and received from HUD a special waiver from the 70% standard.

C. **Funding Priorities** - Each grantee must include the following priorities in its method for selecting projects to receive rental rehabilitation funds.

### 1. Units Occupied by Very Low Income Families -

Each grantee must give funding priority to projects which contain substandard units which, prior to rehabilitation, are occupied by very low income families. This priority may include unoccupied units if:

a. the units could be expected to be occupied by very low income families but for the units' substandard condition; and

b. the grantee agrees to assign Section 8 certificates and/or vouchers for at least 70% of the rehabilitated units in order to enable it to be occupied by very low income families.

2. **Efficient Use of Grant Funds** - Each grantee must give funding priority to projects which require a minimum percentage of rental rehabilitation grant subsidy.

Proposed projects meeting these priorities, which are financially feasible and which meet all other program requirements, must be selected for funding prior to projects which do not meet the priorities. In cases where these priorities conflict, the first priority must be given precedence by grantees.

D. **Adequate Maintenance and Operation of Rehabilitated Units** - Each grantee must adopt one or more of the following measures to ensure adequate maintenance and operation of projects receiving rental rehabilitation funds:

1. establishment of minimum equity requirements for investors;

2. assignment of priority to projects in which private investors and lenders are taking a long-term financial risk in project success;

3. restriction of funding to investors with a satisfactory record of maintaining and operating rental housing (the applicant must have standards and procedures for assessing an investor's record); or

4. establishment of other reasonable standards and/or procedures for ensuring adequate maintenance and operation of rehabilitated units.

E. **Project Funding Limits** - Each grantee must comply with the maximum project funding limits set by 24 CFR 511.10(e).

VHDA will seek a waiver from HUD of the \$5,000 average per unit funding limit for a specific project at the request of a grantee if the grantee can document a need for such a waiver in accordance with 24 CFR 511.10(e)(2).

F. **Minimum Level of Rehabilitation** - A grantee may establish a minimum level of rehabilitation to be required for participation in its rental rehabilitation program in excess of that established in 24 CFR 411.10(f).

**G. Eligible Rehabilitation Costs** - A grantee may use a rental rehabilitation grant only to cover costs permitted under 24 CFR 511.10(g). No more than 20% of the rental rehabilitation funds assigned to a project may be used to make relocation payments to tenants who are displaced by rehabilitation activity.

**H. Displacement and Tenant Assistance** - A grantee must provide any lower income family displaced from a project assisted by a rental rehabilitation grant with financial and advisory assistance as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601. A family will be determined to be displaced in accordance with the definitions contained in 24 CFR 511.10(h)(1). No tenant will be considered displaced if the tenant has been offered a decent, safe and sanitary dwelling unit in the project at an affordable rent.

**I. Affirmative Marketing** - Each grantee must ensure the affirmative marketing of units in rehabilitated projects for a period of seven years beginning on the date on which all the units in a projects are completed, in accordance with 24 CFR 511.10(1)(2). "Affirmative Marketing" is defined as adherence to federal, state and local fair housing laws, and positive efforts to ensure that persons of similar income levels in the same housing market area are made aware of a housing project and its benefits regardless of race, creed, religion, national origin, sex or handicap. All fair housing laws must be scrupulously observed by those who participate in the Virginia Rental Rehabilitation Program. Failure to comply with affirmative marketing requirements will subject the grantee and/or property owner to sanctions.

In order to meet its affirmative marketing responsibilities, each grantee must comply with, or ensure property owner compliance with, the following requirements and procedures:

**1. General Requirement** - In conjunction with the marketing of all rehabilitated units, except for units occupied by families receiving Section 8 certificates or vouchers, the following five specific requirements must be met:

a. all advertising, brochures, leaflets and other printed material must include the Equal Housing Opportunity logo and the slogan or statement, and all advertising depicting persons must depict persons of majority and minority groups, including both sexes;

b. the Equal Housing Opportunity slogan, "Equal Housing Opportunity", utilized in the newspaper classified advertisements should be at least eight (8) point boldface type, and display advertising must include the Equal Housing logo and slogan;

c. if other logotypes are used in the advertisement, then the Equal Opportunity logotype should be of a size equal to the largest of other logotypes;

d. all signs, off-site and on-site, must prominently display the logo and slogan, or the statement in a size that would not be smaller than the largest letters used on the sign; and

e. the logo and slogan, or the statement and the HUD Equal Housing Opportunity Poster (HUD Form 928.1 dated 7-75), must be prominently displayed in the on-site office or wherever applications are being taken.

**2. Affirmative Marketing Plan** - Any local government making application to VHDA for a rental rehabilitation grant must submit as part of its application, on a form supplied by VHDA, a local affirmative marketing plan covering the leasing of all rehabilitated units, except for those occupied by families receiving Section 8 certificates or vouchers. Such plan must include the following information for each neighborhood in which the local government proposes to operate a rental rehabilitation program:

a. an identification of the predominant racial/ethnic composition of the neighborhood;

b. an identification of the group(s) in the housing market area that are least likely to apply for housing in the neighborhood because of its location and other factors without special outreach efforts;

c. an identification of the types of advertising and outreach procedures (e.g., use of community contacts) which participating property owners may use to meet their affirmative marketing responsibilities;

d. a description of the information to be provided to participating property owners, their staff or managing agents to enable them to carry out their affirmative marketing and fair housing responsibilities; and

e. the anticipated results of the local affirmative marketing plan (i.e., the percent of vacancies expected to be filled by the identified target group(s)).

**3. Affirmative Marketing Agreements** - Any property owner applying for rental rehabilitation funds from a grantee must submit to such grantee a description of its proposed affirmative marketing procedures which must conform with the grantee's affirmative marketing plan. This description must be in a form prescribed by the grantee, and must include the form(s) of advertising and community contacts to be used by the owner or the owner's managing agent in publicizing all vacancies, except for units rented to families receiving Section 8 certificates or vouchers, in order to attract the group(s) identified by the grantee as being least likely to apply.

Upon approval of proposed efforts, owners must enter into a compliance agreement with the grantee which must include:

a. an agreement to comply with federal, state and

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local fair housing law;

b. an agreement to carry out specified affirmative marketing procedures;

c. an agreement to maintain records on the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, records on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting affirmative marketing efforts in a form specified by the grantee;

d. an agreement to report such information to the grantee on an annual basis; and

e. sanctions to be imposed by the grantee in the event of noncompliance by the property owner.

Such agreement must be effective for a period of seven years beginning on the date on which the rehabilitation of the units in the projects is completed.

4. Grantee Requirements - Each grantee shall be responsible for:

a. informing property owners' staff and owners' managing agents of their responsibility to comply with federal, state and local fair housing laws;

b. informing property owners of the affirmative marketing requirements of the Virginia Rental Rehabilitation Program, as well as the provisions of the grantee's affirmative marketing plan;

c. reviewing and approving affirmative marketing procedures proposed by property owners;

d. entering into legally binding affirmative marketing agreements with property owners;

e. monitoring compliance by property owners with affirmative marketing agreements and imposing prescribed sanctions as necessary; and

f. collecting, and reporting to VHDA on an annual basis, information regarding the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, information on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting property owner compliance with affirmative marketing requirements (e.g., records of all advertisements, notices and marketing

information).

J. Use of Minority and Women's Business Enterprises - Each grantee must encourage the use of minority and women's business enterprises in connection with activities funded with rental rehabilitation grant monies in accordance with 24 CFR 511.10(m)(1)(v). Such efforts must include the following activities.

1. Targets - Upon entering into a grant agreement with VHDA, each grantee must establish local dollar or other measurable targets based on factors that the grantee regards as appropriate and related to the purpose of its rental rehabilitation program. A copy of such targets must be forwarded to VHDA prior to the drawing down of any grant funds.

2. List of Businesses - Upon entering into a grant agreement with VHDA, each grantee must prepare a list of minority and women's business enterprises which are potential suppliers or rehabilitation services and materials to property owners receiving grant assistance. A grantee should make use of the services of the Virginia Office of Minority Business Enterprise and appropriate federal agencies, as needed, in preparing such a list. Each grantee must forward a copy of the list to VHDA prior to drawing down any grant funds.

3. Bid Solicitation - Each grantee must make reasonable efforts to include qualified minority and women's business enterprises on bid solicitation lists and to ensure that such businesses are solicited whenever they are potential sources of services and materials.

4. Negotiated Contracts - Whenever competitive bidding is not required of a property owner, the grantee must provide the property owner with a list of minority and women's business enterprises which are potential sources of services or materials.

5. Subcontracts - Each grantee must ensure that property owners require that all subcontractors be provided with a list of minority and women's business which are potential suppliers of materials or services.

6. Records - Each grantee must keep records of the number and dollar amount of participation by minority and women's business enterprises, including subcontractors and owners of rental properties, in connection with activities funded with rental rehabilitation grant monies.

K. Use of Local Area and Minority Contractors, Suppliers and Employees - Each grantee must encourage the use of local area and minority contractors, suppliers and employees in connection with activities funded with rental rehabilitation grant monies in accordance with 24 CFR 511.10(m)(1)(v). Such activities must include the development of a plan that includes the following elements:

1. Area Definition - The plan must include a definition

of the local area in which residents and businesses are the intended beneficiaries of rental rehabilitation activities (usually the applicant locality or, in the case of a town or small city, the locality plus the adjacent county).

2. Procedures - The plan must include procedures to be followed to encourage the use of local area and minority contractors, suppliers and employees in connection with activities funded with rental rehabilitation grant monies.

A copy of this plan (such federally required plans are often referred to as "Section 3 Plans") must be forwarded to VHDA prior to the drawing down of any grant funds.

L. Architectural Barriers to the Handicapped - Each grantee must ensure that, in the case of projects involving the rehabilitation of 25 or more units where the cost of rehabilitation is greater than or equal to 75% of the value of the project after rehabilitation, the owner improves any unit occupied by a handicapped person prior to rehabilitation in a manner which removes architectural barriers in accordance with the requirements of 24 CFR 511.10(m)(1)(ii).

M. Age Discrimination in Employment - Each grantee must ensure that property owners do not discriminate against employees based on age, nor that property owners use contractors who so discriminate, in accordance with 24 CFR 511.10(m)(1)(ii).

N. Labor Standards - Each grantee must ensure that all laborers and mechanics, except laborers and mechanics employed by a local government acting as the principal contractor on the project, employed in the rehabilitation of a project receiving rental rehabilitation grant assistance that contains 12 or more units, are paid at the prevailing wage rates set under the Davis Bacon Act, 40 USC 276a, and that contracts involving their employment are subject to the provisions of the Contract Work Hours and Safety Standards Act, 40 USC 327, in accordance with the requirements of 24 CFR 511.11(a).

O. Environmental and Historic Reviews - Each grantee must comply with the environmental and historic review requirements contained in 24 CFR Part 58. Grantees must submit requests for release of funds to VHDA for review. VHDA will forward its recommendation, together with the request, the environmental certification and the objections, to HUD. All approvals for release of funds will be made by HUD.

P. Conflicts of Interest - Each grantee must comply with the conflict of interest requirements contained in 24 CFR 511.11(e).

Q. Lead-Based Paint - Each grantee must ensure that any property owner receiving rental rehabilitation grant assistance takes steps to remove the hazards of lead-based paint in accordance with the requirements of 24 CFR Part 35.

R. Use of Debarred, Suspended or Ineligible Contractors - Each grantee must comply with the requirements of 24 CFR Part 24 in the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors with rental rehabilitation grant funds.

S. Legal Agreement with Property Owner - Each grantee must execute an agreement with the owner of a property receiving rental rehabilitation assistance, including a cooperative or mutual housing association, under which the owner:

1. agrees, for a period of at least 10 years beginning on the date on which the rehabilitation of the units in the project is completed, not to:

a. discriminate against prospective tenants on the basis of their receipt of, or eligibility for, housing assistance under any federal, state or local housing assistance program;

b. discriminate against prospective tenants on the basis that the tenants have a minor child or children who will be residing with them, except for housing projects for elderly persons; and

c. convert the units to condominium ownership or any form of ineligible cooperative ownership.

2. agree, for a period of seven years beginning on the date on which the rehabilitation of the units in the project is completed, to:

a. comply with federal, state or local fair housing laws;

b. carry out specified affirmative marketing procedures; and

c. maintain records on the racial/ethnic and gender characteristics of tenants occupying units before and after rehabilitation, records on tenants moving from and (initially after rehabilitation) into rehabilitated units, records on applications for tenancy within 90 days following completion of rehabilitation, data on the race and ethnicity of displaced households and, if available, the address of the housing units to which each displaced household relocated, and information documenting affirmative marketing efforts in a form specified by the grantee, and to report such information to the grantee on an annual basis (see § 5 I 3).

Such agreement must contain sanctions to be imposed by the grantee in the event of noncompliance by the property owner. Guidelines are contained in 24 CFR 511.10(i) and (j).

## § 6. Grant Administration

A. Responsibility for Grant Administration - Grantees

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are responsible for ensuring that rental rehabilitation grants are administered in accordance with the requirements of these procedures, instructions and guidelines, all applicable sections of 24 CFR Part 511 and other applicable state and federal laws.

**B. Records to be Maintained** - Each grantee must maintain records specified by VHDA that clearly document its performance under each requirement of these procedures, instructions and guidelines. Required records must be retained for a period of three years from the date of final close-out of the rental rehabilitation grant. Public disclosure of records and documents must comply with the requirements of 24 CFR 511.72.

**C. Grant Management and Audit** - Each grantee must comply with the policies, guidelines and requirements of 24 CFR 511.11(c) in the acceptance and use of rental rehabilitation grant funds. Access to grantee records and files must be provided in accordance with the requirements of 24 CFR 511.73. The financial management systems used by grantees must conform to the requirements of 24 CFR 511.74.

**D. Disbursement of Funds/Cash Management Systems** - Grant monies will be disbursed to grantees for payment of eligible program costs in accordance with the following procedures:

1. **Project Accounts** - Grantees must identify to VHDA each project for which they wish to provide rental rehabilitation funds and the amount of grant monies to be committed to each project. Upon receipt of all necessary project information, VHDA will establish a project account with HUD.

2. **Disbursement of Funds** - Grant monies will be disbursed on a project-by-project basis by electronic funds transfer to a designated depository institution in accordance with HUD procedures and guidelines. VHDA will designate a depository institution and make all request to HUD for funds transfer, unless such authority is formally delegated to a grantee by VHDA. Grantees will notify VHDA of the need for grant funds to pay eligible rehabilitation costs. VHDA will in turn request HUD to transfer funds to VHDA. Upon receipt of such monies, VHDA will disburse grant funds to the grantee.

3. **Conditions for Requesting Draw-Downs of Funds** - Grantees must not request draw-downs of funds until such funds are actually needed for payment of eligible cost. A request for funds for payments of a contractor may only be made after the work has been inspected and found to be satisfactory. Grant funds must be drawn down at no greater proportion than the amount of rental rehabilitation funds in the project. For example, if on a \$10,000 rehabilitation project, \$5,000 of rental rehabilitation grant funds were provided and the construction was 50% complete, no more than \$2,500 in rental rehabilitation grant funds could be drawn down for the project. Disbursement of any grant funds is conditioned on the

submission of satisfactory information by the grantee about the project and compliance with other procedures established by VHDA and HUD.

§ 7. Allocation and Administration of Section 8 Certificates and Vouchers.

**A. Allocation of Rental Assistance** - Subject to the availability (as determined by HUD) of contract and budget authority for certificates or vouchers under Section 8, VHDA will assign contract authority for up to one voucher or certificate for use in the Virginia Rental Rehabilitation Program for each \$5,000 of rental rehabilitation grant monies allocated to a grantee. Such rental assistance must be used in accordance with 24 CFR 511.41(a) and other governing HUD rules, regulations, procedures and requirements.

**B. Administration of Rental Assistance** - VHDA will enter into Annual Contributions Contracts with HUD to administer contract authority for Section 8 certificates or vouchers allocated to Virginia for use in the Virginia Rental Rehabilitation Program. VHDA will administer such contract authority in accordance with the applicable VHDA Procedures, Instructions and Guidelines.

§ 8. Annual Performance Review.

**A. Performance Elements** - VHDA will review the performance of all grantees in carrying out their responsibilities under these procedures, instructions and guidelines and under all the applicable requirements of 24 CFR Part 511 at least annually. These reviews will analyze whether the grantee has:

1. carried out its activities in a timely manner, including the commitment of rental rehabilitation grant funds to specific projects;

2. has carried out its activities in accordance with all state and federal requirements; and

3. has a continuing capacity to carry out its activities in a timely manner.

**B. Grantee Reports to VHDA** - Each grantee must submit the following reports to VHDA at such times and such formats as VHDA may prescribe:

1. **Management Reports** - Each grantee must submit reports to VHDA on the management of its rental rehabilitation grant as requested by VHDA.

2. **Annual Performance Report** - Each grantee must submit an annual performance report to VHDA at such times as VHDA may prescribe. This report must contain such information and be in such form as prescribe by VHDA, and will include at least the elements prescribe in 24 CFR 511.81(2).

**C. Remedial Actions and Sanctions** - In the event of

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failure by a grantee to carry out its responsibilities in administering its rental rehabilitation grant, VHDA will seek remedial actions on the part of the grantee and, if necessary, impose sanctions including the recapture of uncommitted rental rehabilitation grant funds and barring the local government from future participation in the Virginia Rental Rehabilitation Program.

## VIRGINIA MARINE RESOURCES COMMISSION

Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. The Regulations printed below are voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

**Title of Regulation:** 450-01-0029. Pertaining to the Taking of Striped Bass

**Statutory Authority:** §§ 28.1-23, 28.1-50 and 28.1-69.1 of the Code of Virginia

### PREAMBLE

This Regulation establishes closed areas, seasons, and gear limitations for the taking of striped bass in Virginia tidal waters. The Regulation also imposes a minimum size limit in the Territorial Sea and establishes a creel limit for recreational hook-and-line fishermen. The provisions of this Regulation are in response to the continued decline of Virginia's striped stocks and are intended to reduce harvest pressure, increase production and thereby to facilitate the stock rebuilding process.

§ 450-01-0029. Pertaining to the Taking of Striped Bass

§ 1. Authority, Prior Regulation, Effective Date:

A. This Regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-50, and 28.1-69.1 of the Code of Virginia.

B. This Regulation supersedes the previous Emergency Regulation XXIX, Pertaining to the Taking of Striped Bass, which was promulgated by the Marine Resources Commission and made effective March 1, 1984.

C. The effective date of this Regulation is January 1, 1985.

§ 2. Purpose:

The purpose of this Regulation is to provide for the long-term conservation of striped bass stocks of the Chesapeake Bay and its tributaries. This Regulation serves as a response to the recommendations of the Atlantic States Marine Fisheries Commission Interstate Fisheries

Management Plan for the Striped Bass.

§ 3. Definitions:

A. Spawning rivers—the James, Pamunkey, Mattaponi and Rappahannock Rivers including all their tributaries.

B. Spawning reaches—sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point;

2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore;

3. Mattaponi River: From the Route 33 bridge at West Point upstream to the Route 360 bridge at Aylett;

4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

C. Potomac River tributaries—all rivers, creeks, bays, sounds, coves, and hollows bordering the Virginia - Maryland line and flowing into the Potomac River between Smith Point and the District of Columbia, including the following:

1. Hack Creek;
2. Cubitt Creek;
3. Hull Creek including Rogers Creek and Bridgeman Creek;
4. Presley Creek;
5. Cod Creek;
6. Coan River and Judith Sound including Balls Creek, Mill Creek, The Glebe, Glebe Creek, and Kingscote Creek;
7. Yeocomico River including South Yeocomico River, Cornish Creek, Lodge Creek, Mill Creek, West Yeocomico River, Hampton Hall Branch, Kinsale Branch, Northwest Yeocomico River, White Point Creek, and Shannon Branch;
8. Bonum Creek;
9. Jackson Creek;
10. Gardner Creek;
11. Ragged Point Hollow inshore of a line connecting Potomac River boundary markers PRV-4A and PRV-4B;
12. Lower Machodoc Creek including Glebe Creek and Cabin Point Creek;
13. Nomini Bay including Buckner Creek, Nomini Creek, Peirce Creek, and Smarts Creek;
14. Currioman Bay including Poor Jack Creek, Cold Harbor Creek and Currioman Creek;
15. Popes Creek;
16. Mattox Creek;
17. Monroe Bay and Monroe Creek;
18. Rosier Creek including Goldman Creek;



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19. Upper Machodoc Creek including Gambo Creek, Williams Creek, and Deep Creek;
20. Chotank Creek;
21. Potomac Creek including Accokeek Creek;
22. Aquia Creek;
23. Widewater Hollow inshore of a line connecting Potomac River boundary markers PRV-12A, PRV-12B, and PRV-12C;
24. Chopawamsic Creek;
25. Chopawamsic Island Hollow inshore of a line connecting Potomac River boundary markers PRV-13A and PRV-13B;
26. Quantico Creek;
27. Powells Creek and Hollow inshore of a line connecting Potomac River boundary markers PRV-15A and PRV-15B;
28. Occoquan Bay and Belmont Bay including Farm Creek, Marumscoc Creek, Occoquan River, Massey Creek, Kanawha Creek, and Neabsco Creek;
29. Hallowing Point Hollow inshore of a line connecting Potomac River boundary markers PRV-34 and PRV-35;
30. Gunston Cove including Pohick Bay, Pohick Creek, Accotink Bay, and Accotink Creek;
31. Dogue Creek;
32. Little Hunting Creek; and
33. Hunting Creek and Hollow inshore of a line connecting Potomac River boundary markers PRV-41, PRV-42, and PRV-43 and including Cameron Run.

## § 4. Closed Areas, Seasons, and Gear Limitations:

A. The closed season for the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers shall be from April 1 through May 31, inclusive.

B. The closed season for the Potomac River tributaries shall be from January 1 through May 31, inclusive.

C. No anchored or staked gill net may be fished within the spawning reaches or Potomac River tributaries during the closed season. Drift (float) gill nets may be set or fished within the spawning reaches and Potomac River tributaries during the closed season, but the fisherman must remain with such net while that net is in the fishing position.

D. Striped bass taken during the closed seasons in the spawning reaches and Potomac River tributaries by any gear, including hook-and-line, shall be returned immediately to the water.

E. Possession of any striped bass by any person, firm, or corporation within the spawning reaches or Potomac River tributaries during the closed season shall be a violation of this Regulation, except as provided in (F) below.

F. Striped bass taken outside of the spawning reaches may be transported and landed within these areas

provided prior notice is given to the Marine Resources Commission.

## § 5. Territorial Sea:

A. A minimum size limit of 24 inches in length is imposed on all striped bass taken in the Territorial Sea with the following exceptions:

1. No more than five percent of a total daily catch of striped bass may consist of striped bass less than 24 inches in length and at least 14 inches in length if the catch was made by net, and

2. It shall be unlawful for any person, firm, or corporation to take or catch and retain possession of any striped bass from the Territorial Sea during the period March 1 through May 31, inclusive.

B. Length is measured in a straight line from tip of nose to tip of tail.

## § 6. Creel Limit:

Except as provided in §§ 4 and 5 of this Regulation, a possession limit of five striped bass per person per day is imposed on all recreational hook-and-line fisherman taking striped bass from the tidal waters of Virginia.

## § 7. Enforcement:

Any uniformed officer of the Marine Resources Commission and any game warden of the Commission of Game and Inland Fisheries shall have the authority to enforce the provisions of this Regulation.

## § 8. Penalty:

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this Regulation shall be guilty of a Class I misdemeanor.

\* \* \* \* \*

Written comments addressing the above regulations will be received through Monday, December 17, 1984 and may be addressed to:

Marine Resources Commission  
P. O. Box 756  
Newport News, Virginia 23607  
Attention: Mr. Jack G. Travelstead

A public hearing on this proposal will be held on Tuesday, December 18, 1984, at 9:30 a.m. at the Marine Resources Commission, 2401 West Avenue, Newport News, Virginia.

Any interested party may present testimony. Copies of the above proposal may be obtained from or seen at the Marine Resources Commission, 2401 West Avenue, Newport News, Virginia 23607.

Commonwealth of Virginia  
Marine Resources Commission  
William A. Pruitt, Commissioner

## VIRGINIA DEPARTMENT OF SOCIAL SERVICES

### DIVISION OF LICENSING PROGRAMS

Title of Regulation: § 615-23-2. Minimum Standards for Licensed Child Care Centers (November, 1984)

Statutory Authority: Chapter 10 (§ 63.1-219), of Title 63.1 of the Code of Virginia.

#### Summary:

### DEPARTMENT OF SOCIAL SERVICES

Proposed revisions to the following regulation:

#### MINIMUM STANDARDS FOR LICENSED CHILD CARE CENTERS

*Virginia Code, Chapter 10, Title 63.1, § 63.1-202, as amended, provides the statutory basis for promulgation of child care center standards. The current standards have been effective since 1976. The State Board of Social Services has approved proposed revisions for a 60-day public comment period.*

*Under the current definition and exemptions in the Code of Virginia, any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardian for part of the day must have a child care center license. The revised document is comprised of the following issues which have impact on child care centers subject to licensure by the Department of Social Services:*

Administration, personnel, supervision, physical, environment, emergency procedures, admission policies, health care, management of behavior, communication with parents, nutrition, food service and activities.

*The proposed revisions are designed to meet the needs of children in group care in a flexible enough manner to accommodate changes during the lifetime of these standards and to provide the protective oversight of children. The document has been revised with an emphasis on clarity and ease of comprehension.*

§ 615-23-2. Minimum Standards for Licensing Child Care Centers

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## § 615-23-2. MINIMUM STANDARDS FOR LICENSED CHILD CARE CENTERS

### PART I INTRODUCTION Article 1 Definitions

§ 1.1. The following words and terms when used in these regulations shall have the following meanings unless the context indicates otherwise:

"Administrator" means the staff person responsible for the day-to-day operation and management of a child care center

"Adult" means any individual 18 years of age or over

"Age groups"

"Infant" means children from birth up to 16 months

"Toddler" means children from 16 months up to two years

"Preschool" means children from two years up to the age of eligibility to attend public school

"School age" means children from the age of eligibility to attend public school and older

"Age of eligibility to attend public school" means five years old by December 31, as determined on the first day of the fall term of each school year

"Aide" means the individual responsible for assisting the Child Care Supervisor in program implementation and supervision of children. Aides are under 18 but must be at least 14 years of age

"Character and reputation" means that findings have established both: (i) the absence of evidence of bad character or conduct, and (ii) that knowledgeable and objective people agree that the subject maintains responsible and ethical business/professional and community relationships which are characterized by honesty, fairness, truthfulness, and a concern for the well-being of others to the extent that the subject is considered suitable to be entrusted with the care, guidance, and protection of children.

"Child" means any individual under 18 years of age (Virginia Code § 63.1-195)

"Child care supervisor" means the individual responsible

for assisting in program implementation and supervision of children.

"Commissioner" means the Commissioner of Social Services, also known as the Director of the Virginia Department of Social Services

"Department" means the Virginia Department of Social Services

"Department's representative" means an employee of the Virginia Department of Social Services, acting as the authorized agent of the Commissioner in carrying out the responsibilities and duties specified in Chapter 10 of Title 63.1 of the Code of Virginia.

"Evening care" means care provided in a center between the hours of seven p.m. and one a.m., inclusively

"Licensee" means any individual, partnership, association, or corporation to whom the license is issued

"Overnight care" means care provided in a center between the hours of one a.m. and six a.m., inclusively

"Parent" means the biological or adoptive parent(s) or legal guardian(s) of a child enrolled or in the process of being enrolled in a child care center

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia

"Program director" means the person responsible for programmatic functions and supervision of all staff who work directly with children

"Sponsor" means an individual, partnership, association, or corporation responsible for the operation of a child care center subject to licensure

"Staff or center staff" means administrative, program, service, and volunteer personnel including the licensee when the licensee is an individual

### Article 2

### Legal Base

§ 1.2. Sections 63.1-195 through 63.1-219 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day care programs for children, including child care centers.

§ 1.3. Section 63.1-202 of the Code of Virginia requires the State Board of Social Services to prescribe standards for certain activities, services, and facilities for children, including child care centers.

## Article 3

### Purpose

§ 1.4. The purpose of these Minimum Standards for Licensed Child Care Centers is to protect children who are separated from their parents or guardians during a part of the day by:

1. ensuring that the activities, services, and facilities of child care centers are conducive to the well-being of children; and
2. reducing risks in the caregiving environment.

## Article 4

### Applicability

§ 1.5. These Minimum Standards for Licensed Child Care Centers apply to a private home wherein group care is provided to ten or more children and to any place other than a private family home wherein group care is provided to any number of children.

§ 1.6. Virginia Code § 63.1-195 defines a child care center subject to licensure as "any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardian during a part of the day only."

**EXCEPTIONS:** (as set forth under the definition of "Child care center" in § 63.1-195 of the Code of Virginia)

1. "a facility required to be licensed by the Health Department as a summer camp;"
2. "a public or private school unless the Commissioner determines that such private school is operating a child care center outside the scope of regular classes;"
3. "a school operated primarily for the educational instruction of children from two to five years of age at which children two through four years of age do not attend in excess of four hours per day, and children five years of age do not attend in excess of six and one-half hours per day;"
4. "a facility which provides child care on an hourly basis which is contracted for by a parent occasionally only;"
5. "a facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees, while such employees are engaged in performing work for the hospital;"
6. "a Sunday school conducted by a religious

institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services;"

7. Exception as set out in § 63.1-196 of the Code of Virginia: a facility operated by an agent of the Commonwealth, county, town, or city, acting within the scope of his authority as such;

8. Exception as set out in § 63.1-196.3 of the Code of Virginia: a child care center operated or conducted under the auspices of a religious institution may be exempted from licensure by filing specified information with the Department. (Such a child care center is not statutorily prohibited from applying for a license from the Department.)

## PART II

### ADMINISTRATION

#### Article 1

#### Sponsorship

§ 2.1. Each center shall have a clearly identified sponsor.

§ 2.2. One of the following four types of sponsorship shall apply:

#### A. Individual Proprietorship

When an individual sponsors a center, the individual shall be the licensee.

#### B. Partnership

The partnership shall:

1. develop a written agreement (articles of partnership) to operate and maintain a child care center and

2. serve as the licensee.

#### C. Unincorporated Association

The association shall:

1. have a written set of by-laws and/or a written constitution which establishes that the purpose of the association includes the operation and maintenance of a child care center and

2. have a governing board which serves as the licensee.

#### D. Corporation

The corporation shall:

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1. have a charter or certificate of authority to transact business in the Commonwealth of Virginia, which includes operation and maintenance of a child care center, and

2. have a governing board which serves as the licensee.

§ 2.3. The sponsor, represented by the individual proprietor or by the officers and agents of a partnership, association, or corporation, shall be of good character and reputation; and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

§ 2.4. Posting of the License (Virginia Code § 63.1-196(c))

The license shall be posted in a place conspicuous to the public, near the main entrance of the building(s), or the main office.

§ 2.5. Deceptive Representation or Advertisement (Virginia Code § 63.1-196(d))

No child care center "shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made...an advertisement of any sort regarding services or anything so offered to the public, which...contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading."

## Article 2

### Operational Responsibilities

§ 2.6. The operational responsibilities of the licensee shall include, but not be limited to, the following:

1. to develop prior to acceptance of children a written statement of the purpose and scope of the services to be provided by the center and written policies under which the center will operate (Note: This requirement applies only to initial applications for licensure);

2. to revise the written statement of the purpose and scope of services provided by the center and the written policies for its operation as needed to keep the information current;

3. to ensure that the center functions according to its defined purpose;

4. to ensure that the center's activities, services, and facilities are maintained in compliance with the Minimum Standards for Licensed Child Care Centers, with the terms of the current license issued by the Department and with other relevant federal, state, or local laws and regulations;

5. to appoint and identify in writing an administrator to be responsible for the day-to-day operation and management of the center, except when the sponsor is an individual who serves as the administrator or a partnership in which a partner serves as the administrator.

## Article 3

### Financial Responsibilities

§ 2.7. Virginia Code § 63.1-198: With an initial application for licensure, the applicant shall provide the Department with the following evidence of financial responsibility:

1. a projected budget detailing expected income and expenses of the proposed center for the first year of operation;

2. a complete balance sheet showing separately the current assets committed to, and current liabilities charged against, the proposed center.

§ 2.8. Virginia Code § 63.1-219: Should noncompliance which directly affects the safety and health of children be found during an investigation based on a renewal application, the Department may direct the licensee to provide documentation of financial responsibility in order to give reasonable assurance of the continued maintenance of the center. If so directed, the licensee shall submit at a minimum:

1. a statement of the center's operating expenses and income for the most recent fiscal year and

2. a complete balance sheet showing separately the current assets committed to, and liabilities charged against the center.

§ 2.9. The center shall maintain public liability insurance for bodily injury with a minimum limit of at least \$500,000 each occurrence/\$500,000 aggregate. A copy of the insurance policy shall be made available to the Department's representative upon request.

## Article 4

### Record Keeping Responsibilities

§ 2.10. The licensee shall ensure that the center maintains an adequate system of record keeping to comply with these standards.

§ 2.11. All children's records shall be treated confidentially.

§ 2.12. Records shall be kept current.

§ 2.13. All records required by these standards for both children and personnel shall be retained at the center for one year after termination of enrollment or termination of employment, respectively, unless specified otherwise.

## PART III

### PERSONNEL

#### Article 1

#### General Qualifications

§ 3.1. The following standards shall apply to all staff:

1. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.
2. All staff shall be of good character and reputation.
3. All staff shall understand and be sensitive to the varying capabilities, interests, needs, and problems of children in care.
4. All staff shall be capable of carrying out assigned responsibilities.
5. All staff shall be willing and able to accept training and supervision.
6. All staff shall be able to communicate effectively both orally and in writing as applicable to the job responsibility.
7. All staff shall be able to understand and apply those standards in the Minimum Standards for Licensed Child Care Centers which relate to their respective responsibilities.

§ 3.2. All staff who work directly with children shall have the following qualifications and abilities:

1. education related to child care or successful experience in caring for children;
2. ability to communicate effectively and appropriately with the age group to whom the staff person is assigned;
3. ability to provide a stimulating and safe environment for the age group to whom the staff person is assigned;
4. ability to use materials, activities, and experiences to encourage exploring, experimenting, and questioning;

§ 3.3. All staff who work in multiple positions within the center shall meet the qualifications of each position.

§ 3.4. All staff who work directly with children shall be 18 years of age or over.

#### EXCEPTIONS:

Aides may be under 18 but must be at least 14 years of age.

#### Article 2

#### Personnel Records

§ 3.5. Personnel records shall be kept for each of the following who begin work subsequent to (effective date of these standards:)

1. Paid staff persons, and
2. Volunteer staff persons who come to the center once a week or more often or who are counted in the required ratios of staff to children.

§ 3.6. Personnel records shall include the following:

1. the original application for employment or other written material providing:
  - a. identifying information including name of staff person, beginning date of employment/volunteering, and job title;
  - b. any other information needed to demonstrate that the individual possesses the qualifications contained in § 3.1 and § 3.2;
2. written documentation that references as to character and reputation as well as competency were checked with previous employers, if any, and/or other knowledgeable and objective sources prior to employment or volunteering (e.g., letters of reference; notations of telephone reference checks including the name of the person(s) contacted, the date(s) of contact, the firm(s) contacted, and the results);
3. documentation of participation in orientation, training and staff development activities; and
4. date of termination, when applicable.

#### Article 3

#### Health Requirements

§ 3.7. Health information for the licensee, the administrator, and for all other staff who come in contact with children or who handle food shall be maintained as follows:

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## A. Initial Tuberculosis Examination and Report

1. Within one month of employment or contact with children, each staff person shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.

### EXCEPTION:

Tuberculosis screening is not required for volunteers who provide supplemental services on an occasional basis and who are not counted in the required ratio of staff to children.

2. Each staff person shall submit a statement that he/she is free of tuberculosis in a communicable form including the type(s) of test(s) used and the result(s).

3. The statement shall be signed by a physician, the physician's designee, or an official of a local health department.

4. The statement shall be dated.

## B. Subsequent Evaluations

1. A staff person who had a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis must obtain chest x-rays on an annual basis for the following two years.

a. The staff person shall submit statements documenting the chest x-rays and certifying freedom from tuberculosis in a communicable form.

b. The statements shall be signed by a physician, the physician's designee, or an official of a local health department.

c. The statements shall be dated.

2. Any staff person who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall within one month after exposure/development receive an evaluation in accordance with § 3.7.

Note: Additional screening is not required for a staff person who had a non-significant (negative) reaction to an initial tuberculin skin test.

Screening beyond two years is not required for a staff person who had a significant (positive) reaction to a tuberculin skin test and whose physician certifies the absence of communicable tuberculosis.

§ 3.8. At the request of the licensee/administrator of the facility or the Department of Social Services, a report of examination by a physician shall be obtained when there are indications that the safety of children in care may be

jeopardized by the physical or mental health of a specific staff person.

§ 3.9. Any staff person who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of children in care or which would prevent performance of duties:

1. shall be removed immediately from contact with children or food served to children and

2. shall not be allowed contact with children or food served to children until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed, dated statement from the physician.

## Article 4

### Staff Training

§ 3.10. All staff must be trained in the center's procedures for handling emergencies and such training shall take place before assuming job responsibility and shall include at least the following topics:

1. their individual responsibilities in the event of fire, including the location and operation of any fire extinguishers and fire alarm boxes;

2. their individual responsibilities in the event of a child's illness or injury, including the location and use of the first aid kit.

### § 3.11. Orientation

Before assuming job responsibility all staff shall receive job orientation training. Items not covered in the training prior to beginning employment shall be completed within one week of starting date of employment. For staff who work with children, job orientation training shall include, but not be limited to the following topics:

1. the purpose and services provided by the center;

2. the policies and procedures of the center as these relate to the staff person's responsibilities;

3. Virginia Code § 63.1-248.3: procedures for reporting suspected child abuse or neglect to the appropriate local department of social services (Note: Virginia Code § 63.1-248.3 requires any person providing full or part-time child care for pay on a regularly planned basis to report suspected child abuse or neglect.);

4. confidential treatment of personal information about children in care and their families;

5. the Minimum Standards for Licensed Child Care

Centers as related to the staff person's responsibilities.

## § 3.12. Staff Development

For staff who work directly with children, the center shall assure that:

1. Such staff shall attend at least two staff development activities annually;
2. Verification of attendance at a staff development activity is made available to the Department's representative, upon request;
3. Staff development activities shall consist of in-service training programs, workshops, or conferences;
4. There shall be at least one staff person on duty at all times who has obtained instruction in performing the daily health observation of children from a physician, registered nurse, or health department medical personnel. This instruction shall be obtained at three year intervals.

### EXCEPTION:

At least one staff person must receive this instruction prior to the initial opening of a center. Within six months of initial licensure, the new center shall comply fully with paragraph 4 of § 3.12.

## Article 5

### Administrative Staff

§ 3.13. During the center's hours of operation, one adult on the premises shall be in charge and responsible for the administration of the center. This person shall be either the Administrator or an adult appointed by the licensee or designated by the Administrator.

## Article 6

### Program Staff

§ 3.14. Each person serving in the position of Program Director, Assistant Program Director, or Child Care Supervisor shall not be responsible for the individual supervision of more than two aides.

### § 3.15. Program Director and Assistant Program Director

A. There shall be one person responsible for the program of the center who shall have the following qualifications:

1. The equivalency of 15 semester hours or 22-1/2 quarter hours of college credits. A maximum of nine Continuing Education Units (C.E.U.'s) will be accepted in lieu of six semester hours or nine quarter hours of college credit. The Child Development Associate (C.D.A) credential may be substituted for 15 semester hours or 22-1/2 quarter hours of college credits. Verification of this attainment shall be available to the Commissioner's representative upon request.

2. Ability to provide program planning and implementation which encourages and hastens cognitive growth through creative expression and opportunities for problem solving.

3. Ability to create an environment for the children that facilitates learning, experimentation, curiosity, interest, and exploration while protecting the health and safety of children.

4. Knowledge of supervisory techniques relative to motivation; staff development sufficient to accomplish day-to-day work; to train, support, and develop staff; and to plan responsibilities for auxiliary staff, to ensure that services are provided to children.

B. The Program Director shall be responsible for:

1. the content of the program offered to the children in care;

2. programmatic functions, including orientation, training, and scheduling of all staff who directly supervise children, whether or not the Program Director personally performs these functions; and

3. management of the supervision provided to all staff who directly supervise children, whether or not the Program Director individually supervises such staff.

C. If the Program Director is present in the center less than four hours per day, there shall be an officially designated Assistant Program Director who shall assume responsibility in the absence of the Program Director.

### § 3.16. Child Care Supervisor

Individuals working in this capacity are responsible for program implementation and direct supervision of children.

### § 3.17. Aides

A. Aides are under 18 but must be at least 14 years of age.

B. Individuals working in this capacity are assigned to assist the Child Care Supervisor in program implementation and supervision of children.

C. An Aide who is under the age of 16 years may



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work with a group of children only under the direct individual supervision and in the presence of a Program Director, Assistant Program Director, or Child Care Supervisor. An Aide under the age of 16 shall not be left in charge of a group of children.

## Article 7

### Volunteer Staff

3.18. Volunteers who come to the center once a week or more often or who are counted in the required ratios of staff to children shall meet the personnel and health requirements for the applicable position.

§ 3.19. All volunteers shall be under the individual supervision of an Administrator, Program Director, Assistant Program Director, or Child Care Supervisor.

§ 3.20. The duties of volunteers shall be clearly defined.

## PART IV

### SUPERVISION

#### Article 1

##### General Supervision

§ 4.1. There shall be at least two adult staff at the center at all times when one or more children are present. One of these shall be the Administrator, Program Director, Assistant Program Director, or Child Care Supervisor.

§ 4.2. A child shall be greeted upon arrival at the center each day by a staff person. If possible, the same staff person shall greet the child each day.

§ 4.3. A daily written record of children in attendance shall be kept at the center and retained for one year.

§ 4.4. One staff person shall be able to see and hear each child in the center's care at all times, except that staff need only be able to hear a child who is using the bathroom. Staff shall check on a child who has not returned from the bathroom after five minutes.

#### Article 2

##### Staff to Children Ratio Requirements

§ 4.5. Staff shall be counted in the required staff to children ratios only for periods of time when they are directly supervising children.

EXCEPTION:

Aides who are under the age of 16 years shall not be counted in determining the required ratios of staff to children.

§ 4.6. The following ratios of staff to children are required whenever children are on the premises of the center, on the outdoor activity area, and during all field trips provided by the center:

1. for children from birth to the age of 16 months: one staff person for every four children;

2. for children 16 months old to two years: one staff person for every five children;

3. for children from two years to four years: one staff person for every ten children;

4. for children from four years to the age of eligibility to attend public school: one staff person for every 12 children;

5. for children from the age of eligibility to attend public school and older: one staff person for every 20 children.

§ 4.7. When children are regularly in ongoing mixed age groups, the staff to children ratio applicable to the youngest child in the group shall apply to the entire group.

Note: The transition period up to one hour after opening and one hour before closing is not considered a regular and ongoing mixed age group period. A ratio applicable to the oldest child in the group shall apply during the transition period provided that adequate attention to the safety of the group can be maintained. A protected area shall be provided for infants and toddlers in a mixed age group.

§ 4.8. Whenever one or more children are in the outdoor activity area, only staff who are outside with the children shall be counted in meeting the requirements of § 4.6.

#### Article 3

##### Ratio During Rest periods

§ 4.9. During designated rest or sleeping periods for children aged two years or older, the overall ratio of staff to children is permitted to be one staff to every 25 children, provided that:

1. a staff person is able to see and hear the resting/sleeping children,

2. all staff counted in the overall ratio shall be in the immediate proximity and available to assure safe evacuation in an emergency, and

3. an additional person is present at the center to assist, if necessary.

Article 4

Supervision of Children During Swimming & Wading Activities

§ 4.10. The staff ratios required by Article 2 shall be maintained while children are using the swimming and wading pools.

§ 4.11. If a pool exceeds two feet of water in depth, a Water Safety Instructor or Senior Life Saver holding a current certificate by an organization such as, but not limited to the Red Cross, shall be on duty supervising the children at the pool at all times when one or more children are in the pool.

§ 4.12. A minimum of two people employed by the center must be on duty supervising the children at the pool at all times when one or more children are in the pool.

PART V

PHYSICAL ENVIRONMENT

A center must provide an environment which protects the children from physical harm, but it not so restrictive as to inhibit physical, intellectual, emotional, or social development.

Article 1

Safety, Health and Comfort

§ 5.1. No child care center shall be located where conditions exist that would be hazardous to the physical health and safety of children.

§ 5.2. Building Construction and Maintenance

A. If space used or planned for use by the center is renovated or altered, the plans shall be submitted to the Department for review prior to the expected change.

B. Prior to beginning operation and prior to use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided:

- 1. inspection and approval of the building(s) from the local building official, if applicable, or approval

subject to a plan of corrective action; OR

2. inspection and approval of the building(s) from the Office of the State Fire Marshal, if applicable, or approval subject to a plan of corrective action; AND

3. inspection and approval from the local Health Department, or approval subject to a plan of correction, for meeting:

- a. sanitation and health;
b. water supply;
c. sewerage system;
d. food service

4. inspection and approval from the local Fire Department that the center is free from fire hazards or approval subject to a plan of corrective action; and,

5. inspection and approval from the administrator of local child care ordinances, or approval subject to a plan of correction.

C. At the time of a renewal application, written documentation of annual approval, or approval subject to a plan of correction, shall be provided from:

- 1. the Office of the State Fire Marshal, if applicable;
2. the local Health Department;
3. the local Fire Department; and
4. the local Administrator of any applicable child care ordinance.

D. All areas of the center used by children shall be maintained in good repair and in safe condition.

§ 5.3. Equipment and Materials

A. All equipment inside and outside the center shall be maintained in good repair and in safe condition.

B. Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children such as, but not limited to sharp, rough edges; toxic paint; and objects small enough to be swallowed.

C. Steps used by the children and consisting of three or more risers shall be equipped with handrails within the normal handgrasp of the children or a banister with vertical posts, between the handrail and each step, which can be safely grasped by the children.

D. Windows, doors, stairways, walkways, and openings, such as cellars and window wells, or other potential sources of injury or harm to children shall be equipped

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with safeguards such as, but not limited to screens, gates, and/or handrails.

E. Except in the case of jalousied windows which open both into and out of the window frame and windows or doors used for fire exits, screens shall cover any windows or doors opened for ventilation.

F. All electrical outlets in rooms used by children shall have protective caps or other equivalent, protective devices approved by an electrical safety authority recognized by the Department.

## G. Cleaning fluids and other harmful household agents

1. Such substances shall be stored in containers that clearly indicate their contents.

2. If such substances are not kept in original containers, the substitute containers shall not resemble food or beverage containers.

3. Such substances shall be kept in a locked place using a combination or key lock.

4. If a key is used, the key shall be placed out of the reach of children.

## § 5.4. Grounds

A. The grounds shall be well maintained and free from safety hazards.

B. There shall be a safe area for parents to pick up and discharge children.

C. There shall be outside lighting at entrances and exits used by children to protect against injuries when the center operates before sunrise or after sundown.

D. Outside sand in boxes shall be covered when not in use.

## § 5.5. Sanitation

A. Cleanliness of the facility and all of its furnishings and equipment shall be maintained.

B. The facility shall be free from insects, rodents, and other pests.

C. Drinking water shall be available at all times.

D. Drinking fountains, if used, shall be of a type approved by the local Health Department.

E. Individual disposable cups shall be provided for drinking water when fountains are not used.

F. There shall be a separate area for isolation of children who are ill, injured, or emotionally upset.

## § 5.6. Lighting

Areas used by children shall be adequately lighted for safety and for the activity taking place.

## § 5.7. Temperature and Ventilation

A. Areas used by children shall be well ventilated and dry.

B. Fans shall be placed at a height out of the reach of children or shall be placed in a room to which children do not have access.

C. The center shall use a portable thermometer for measuring temperature in areas used by children.

D. In areas used by children, heat shall be maintained at a temperature no lower than 68 degrees Fahrenheit.

1. In centers or areas of centers serving infants, toddlers, or preschoolers, the temperature maintained shall be based on a measurement at one to two feet from the floor.

2. In centers or areas of centers serving school age children, the temperature maintained shall be based on a measurement at four to five feet from the floor.

## Article 2

### Space, Furnishings, Equipment and Materials

## § 5.8. Group Activity Areas

### A. Calculation of Activity Space

1. Centers shall have a minimum of 25 square feet of available activity space per child and 200 cubic feet of air space per child.

2. Activity space includes equipment used during activities.

3. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to offices, hallways, bathrooms, kitchens, storage rooms/closets, and space occupied by equipment which is not used in or does not contribute to the children's activities.

4. In centers serving children under the age of 16 months, space occupied by, but not limited to the following basic equipment shall not be calculated as available activity space: cribs, changing tables, high chairs, rocking chairs, feeding tables, playpens.

B. Centers shall have equipment and materials which

are suitable, age-appropriate, in sufficient supply, and accessible to children for activities required by these standards.

C. Areas shall be provided where equipment and materials can be readily used by children during active play periods.

D. When children are crawling on the floor, walls or sturdy dividers shall separate them from children who are walking or learning to walk.

E. A protected area shall be provided for children who are learning to walk separate from children who are already walking.

F. Sturdy work tables and chairs that are not of inappropriate height shall be available for children over 16 months of age, so that they may engage in activities standing or sitting.

G. Tables and chairs in a quiet area shall be available for school age children who wish to study.

H. An activity area shall be available for school age children which is separate from that assigned for the use of younger children.

## I. Outdoor activity Space

1. Centers shall use a clean, safe outdoor activity area, either adjoining or accessible to the center, which shall provide a minimum of 75 square feet of space per child on the outdoor area at any one time.

2. The outdoor activity area for children shall include an unpaved space such as, but not limited to grass or indoor/outdoor carpet.

3. Sufficient, suitable, age-appropriate outdoor play equipment shall be provided for children using the outdoor activity area and shall be safely maintained.

## J. Swimming and Wading Pools

1. When permanent swimming or wading pools are located on the premises of the center the following standards shall apply:

a. All pools constructed, renovated, or remodeled after July, 1976 shall have a statement of their inspection and approval from the State Health Department and the local administrator.

b. All pools constructed, renovated, or remodeled after ..... (the effective date of these standards) shall have a statement in writing of their inspection and approval from the local building official.

c. Outdoor swimming pools shall be enclosed by safety fences and gates which shall be kept locked when the

pool is not in use.

d. Entrances to indoor swimming pools shall be locked when the pool is not in use.

e. Written safety rules shall be posted at the pool.

2. When swimming or wading is provided as a part of the center program in either on-site or off-site pools, the following standards apply:

a. There shall be maintained on file in the center a written signed permission from the parent of each child who participates in swimming or wading.

b. Written safety rules shall be developed and distributed to center staff and to parents of participating children.

c. If portable wading pools are used, they shall be emptied of dirty water and filled with clean water for each day's use, and more frequently if necessary.

## § 5.9. Areas for Sleep and Rest.

A. No more than one child at a time shall use a crib, cot, mat, or bed.

B. A separate crib, cot, bed, or mat, according to the age of the child, shall be assigned to each child who is regularly in attendance at naptime or bedtime.

C. Cribs, cots, mats, and beds shall be marked or identified in some way for use by a specific child.

D. Double decker cribs, cots, or beds shall not be used.

E. Children under the age of 16 months shall be provided separate sleeping areas from those children 16 months and over.

## F. Cribs

1. Cribs must be used for children under the age of 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot.

2. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

3. When cribs with slats are used by the center there shall be no more than six centimeters or 2-3/8 inches of space between slats.

G. Mats may be used by school age children only.

1. Mats shall be at least 22 inches wide and 39 inches long and shall be covered with a waterproof material

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that is readily cleanable, such as vinyl.

2. Mats shall be at least one inch thick.

## H. Evenings and Overnight

1. For evening care, beds with mattresses or cots with at least a one inch foam rubber pad shall be provided for children not required to sleep in cribs.

2. For overnight care, beds with mattresses or cots with at least a two inch foam rubber pad shall be required for children not required to sleep in cribs.

3. For overnight care which occurs for a child on a regular and ongoing basis, beds with mattresses shall be required.

4. For evenings and overnight care, separate sleeping areas shall be provided for children of the opposite sex 10 years of age and older.

5. When sleeping garments are used, they shall be clean, comfortable, and plainly marked for individual use.

## I. Bed Linens

1. Required bed linens for cribs, cots, mats, or beds shall consist of a top cover and a bottom cover or a one-piece covering which is open on three edges.

2. Mattresses when used shall be covered with a waterproof material which can be easily sanitized such as, but not limited to vinyl or a non-film type polyethylene material.

## J. Pillows

1. When used, pillows shall be assigned for individual use and covered with pillow cases.

2. Pillows shall not be used by children under two years of age.

## K. Arrangement of Cribs, Cots, Mats, and Beds

1. When one or more children are scheduled to enter or leave the center while other children are resting or sleeping, the cribs, cots, mats, or beds shall be placed so that the resting or sleeping children are not disturbed by the arriving or departing children.

2. Occupied cribs, cots, mats, and beds shall be at least 2-1/2 feet from radiators in use.

3. There shall be at least 12 inches of space between the sides and ends of occupied cribs except where they touch the wall.

4. The service side of each crib shall be fully

accessible to staff by at least 30 inches.

5. Cots, beds, or mats shall be placed so that children can get on and off their cots, beds, or mats without being hampered in their movement.

a. There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and mats.

b. Fifteen inches of space are not required where cots, beds, or mats touch the wall or where screens are placed between cots or beds as long as one side is open at all times to allow for passage.

## § 5.10. Bathroom Facilities

A. Bathroom areas shall be equipped with sinks with hot and cold running water, soap, paper towels, toilets, and toilet paper.

B. All toilets counted for children shall be the standard flush type, accessible and within the same building as the children.

C. Urinals may be substituted for not more than one-half the required number of toilets, provided the center has at least two toilets.

D. Adult size toilets with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children if children use them on a routine basis.

E. When child size toilets, urinals, and low sinks are not available in bathrooms used by preschool children, at least one platform or set of steps will be available so that preschool children may use adult size toilets and sinks without assistance or undue delay.

F. In evening and overnight care, a tub or shower shall be provided for children over 16 months to bathe.

## G. Ratios

1. The center shall have one toilet and one sink for every 15 preschool children and one toilet and one sink for every 30 school age children.

2. For centers licensed for 30 or fewer school age children, the following standards shall apply:

a. Only school age children of the same sex may occupy the bathrooms at the same time.

b. If the bathroom contains more than one toilet, at least one toilet shall be individually enclosed for privacy.

3. For centers licensed for more than 30 school age children, the following standards shall apply:

a. Separate bathrooms shall be provided for school age children of the opposite sex.

b. In bathrooms with more than one toilet, at least one toilet shall be individually enclosed for privacy.

## H. Diapering and Toilet Training

In centers serving children who are not completely toilet trained, the following requirements apply:

1. There shall be a diapering area in each room or in an adjacent room which opens into each area designated for children not toilet trained. The diapering area shall contain:

a. a sink with hot and cold running water and a non-absorbent changing surface.

b. a step-on diaper pail with leakproof disposable liners or equivalent equipment which does not require the top of the pail to be touched by hand when discarding diapers. If both cloth and disposable diapers are used, there shall be one such pail for each type.

c. a covered receptacle for soiled bed linens and non-disposable wash cloths.

2. When toilet chairs are used, they shall be located in each room or in the bathroom adjacent to each room designated for children not toilet trained.

3. There shall be one toilet chair and one adapter seat or two toilet chairs for each twenty children between the ages of 20 months and 32 months. Child size toilets located in or adjacent to any room used for the majority of the day by children being toilet trained may substitute for or supplement the required number of toilet chairs.

4. There shall be a toilet in or immediately adjacent to each room used for the majority of the day by children being toilet trained.

## I. Personal Articles

Combs, toothbrushes, wash cloths, and cloth towels, if used, shall be individually assigned.

## § 5.11. Food Service Areas

A. Eating utensils and dishes shall not be inappropriate for the age, size, and physical dexterity of the children served.

B. Disposable dishes shall be sturdy enough to contain food without leakage.

C. Disposable utensils shall be sturdy enough to prevent injury or harm to children.

D. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed.

E. Sturdy chairs and tables of appropriate height and size for the children served shall be used at mealtime for children 16 months and over.

## § 5.12. Storage

A. There shall be individual storage space such as, but not limited to, lockers or cubbies for each child's clothing and personal items.

B. There shall be storage space accessible to the children for equipment and materials used by them.

## PART VI

### PROGRAMS AND SERVICES

#### Article 1

#### Admissions Policies and Procedures

## § 6.1. Identifying Information for Each Child

A. Each center shall maintain and keep at the center a separate record for each child.

B. Each child's record shall contain the following identifying information:

1. name, nickname (if any), sex, and birthdate of the child;

2. name, home address, and home telephone number of each parent who has custody;

3. work telephone number and place of employment of each parent who has custody;

4. name and telephone number of child's physician;

5. name, address, and telephone number of a designated person to call in an emergency if a parent cannot be reached;

6. names of persons authorized to pick up the child, as well as those not permitted to pick up the child;

7. admission date;

8. enrollment termination date;

9. the child's grade level and the name of his/her school, where applicable.

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C. Children under 12 months of age shall have their name identified on some item attached to their person or their clothing. Necklaces and pins shall not be used.

## § 6.2. Agreements/Authorizations

A. The following written agreement between the parent and the center shall be in the child's record at the time of the child's admission and shall be retained for one year after the child's enrollment ends:

1. an agreement authorizing emergency medical care if an emergency occurs when the parent cannot be located immediately;
2. an agreement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible.

B. Written permission from the parent authorizing the child's participation in center field trips shall be in the child's record.

C. One of the following two methods of obtaining permission for field trip participation shall be used:

1. Separate written permission shall be secured for each field trip and retained in the child's record for one year.

OR

2. Written permission for any center field trips that occur while the child is enrolled in the center shall be secured and retained for one year after the child's enrollment ends. In addition, the parent must be informed in advance of each planned field trip and be given the opportunity to withdraw his/her child(ren) from a field trip.

D. If a parent wishes a child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center, shall be secured and retained in the child's record for one year or for as long as it applies, whichever is longer.

E. The center shall not release a child to any person without the parent's consent.

## § 6.3. Assessment and Initial Plan of Care

A. Prior to the child's admission there shall be a personal interview at the center with a staff person, the parent, and the child unless there are unusual circumstances which preclude having the child present for the initial interview. (The purpose of the interview is to provide the opportunity for the parent and staff to exchange information to arrive at a joint decision about the admission of the child.)

B. Prior to the child's admission, the center shall inform the parent of:

1. fees and
2. the program and activities provided.

C. Prior to the child's admission, the center shall provide written information to the parent regarding the following:

1. admission and enrollment termination policies;
2. hours and days of operation, including holidays and other closures;
3. the center's definition of acceptable and unacceptable discipline methods;
4. transportation safety policies, when transportation is provided;
5. food policies.

## § 6.4. Physical Examinations/Immunizations

### A. Timing and Frequency of Medical Reports

#### 1. Immunizations

Section 22.1-271.2 of the Code of Virginia requires that documentation of all immunizations received be obtained prior to each child's admission to a child care center required to be licensed by this Commonwealth.

EXCEPTION (Virginia Code § 22.1-271.2 C):

Documentation of immunizations is not required for any child whose parent submits an affidavit to the center, on the form entitled "Certificate of Religious Exemption", stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices.

#### 2. Physical Examination

Each child shall have a physical examination by or under the direction of a physician, prior to admission or within one month after admission. The schedules for examinations prior to admission for different age groups are listed below:

- a. within two months prior to admission for children six months of age and younger
- b. within three months prior to admission for children aged seven months through 18 months
- c. within six months prior to admission for children aged 19 months through 24 months

d. within 12 months prior to admission for children two years of age through five years of age

e. within two years prior to admission for children six years of age and above

#### EXCEPTIONS:

(1) Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare/social services, or approved by a licensed Family Day Care System:

If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examinations is required. If the initial report or a copy of the initial report is not available, a report of physical examination and immunizations is required in accordance with § 6.4.A and § 6.4.B.

(2) (Virginia Code § 22.1-270 D): Physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

#### B. Form and Content of Medical Reports

1. The current form required by the Virginia Department of Health shall be used to report immunizations received and the results of the required physical examination.

#### EXCEPTION:

When the current Health Department form has not been used such as, but not limited to when a child transfers from another state, other documentary proof of the child having received the required examination and immunization shall be accepted. Documentary proof may include, but not be limited to an International Certificate of Immunization, another state's immunization form, or a physician's letterhead.

2. Each report shall include the date of the physical examination and dates immunizations were received.

3. Each report shall be signed by a physician, his/her designee, or an official of a local health department.

4. Each report shall be filed at the center during the child's enrollment.

#### Article 2

#### Health Care

#### § 6.5. Medical Reports after Admission

A. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.

B. Updated information on immunizations received shall be obtained once between each child's fourth and fifth birthdays.

C. These medical reports shall meet the form and content requirements under § 6.4.B.

#### § 6.6. Medication

A. Prescription and nonprescription medications shall be given to a child only with written authorization from the parent.

B. The authorization for administering any medications shall be effective for a limited time period not to exceed ten work days, unless otherwise prescribed by a physician, and shall be retained on file at the center during the effective period.

C. All medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time(s) to be administered.

D. Prescription medication shall be in the original container with the prescription label affixed.

E. All medications shall be kept in a designated locked place or a refrigerator inaccessible to children.

F. Prescriptions and nonprescription medications shall be returned to the parent as soon as the medications are no longer being administered.

#### § 6.7. Special Care Provisions

A. Trained staff shall observe each child daily for signs and symptoms of illness.

B. If a child has signs or symptoms of a communicable disease or has a diagnosed communicable disease, arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed.

C. A child showing signs or symptoms of a communicable disease shall remain in the designated isolation area until leaving the center.

D. When a child has been exposed to a communicable disease while attending the center, the parent shall be notified at the end of the day.

E. The current edition of the Communicable Disease



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Chart, available from the State Department of Health or Department of Social Services, shall be posted in the center.

F. The current Communicable Disease Chart recommendations for the exclusion of sick children from the center shall be followed. (Refer to Communicable Disease Chart in Appendix).

G. If a child's clothing becomes wet or soiled, it shall be changed immediately.

H. Children's hands shall be washed with soap and water prior to eating meals or snacks and after toileting.

I. A plan of accident and/or school insurance shall be available to the parent. The center may designate whether the parent's participation in the plan is optional or mandatory.

J. There shall be a posted daily record which can be easily seen by both the parent and by the staff working with the children. The record shall be maintained on each child under 18 months and shall include the following information:

1. the amount of time the child slept;
2. the amount of food taken and the time;
3. a description and the time of irregular bowel movements;
4. developmental milestones.

K. Parents shall be informed of exceptional behavior.

L. Diapering and Toileting

1. Diapers shall be changed in the child's crib or on a non-absorbent changing surface which shall be washed with soap and warm water after each use. A disposable paper sheet which is discarded after each diapering may be used in lieu of washing the non-absorbent changing surface after each use.
2. The child's genital area shall be thoroughly cleaned during each diapering.
3. Staff shall wash their hands with soap and warm water after each diaper change and after helping a child with toileting.
4. Disposable wash cloths used in diaper changes shall be used once and discarded.
5. Cloth wash cloths used in diaper changes shall be used once and laundered before being used again.
6. Toilet chairs shall be emptied promptly after each use.

7. Paper towels shall be used once and discarded.

M. Bed Linens

1. Crib sheets for children under 12 months of age shall be changed at least once a day and whenever soiled.
2. Bed linens for children 12 months of age and older shall be changed at least once per week and whenever soiled.
3. Bed linens shall be assigned for a child's individual use and shall be laundered before being used by another child.
4. Pillow cases shall be assigned for individual use. Pillow cases shall be laundered before being used by another child and changed at least weekly and whenever soiled.

## Article 3

### Communication with Parents

§ 6.8. There shall be regular, planned communication between the center and the parent.

§ 6.9. Evaluations shall be made continuously by the center to determine the effectiveness of service and the needs of the child and his family in regard to child care.

§ 6.10. When a center decides to terminate the enrollment of a child, the center shall inform the parent of the reason(s) for termination.

§ 6.11. The center shall encourage parental involvement on a volunteer basis in any appropriate center activities.

§ 6.12. Parents shall be free to visit and observe children at the center at any time.

## Article 4

### Management of Behavior

§ 6.13. Acceptable and unacceptable methods of discipline shall be defined in a written policy.

§ 6.14. Staff shall know and adhere to the center's policy on acceptable and unacceptable discipline methods.

§ 6.15. Expected behavior shall be on the child's developmental level.

§ 6.16. Limits or rules shall be appropriate and understandable to the children to whom they apply.

§ 6.17. Discipline shall be fair and consistently applied.

§ 6.18. Discipline shall be appropriate to the infraction and timely.

§ 6.19. There shall be no physical punishment administered to the body.

§ 6.20. Children shall not be shaken.

§ 6.21. A child shall not be forced to assume an uncomfortable position such as, but not limited to standing on one foot; keeping arms raised above or horizontal to the body; restraining to restrict movement through binding or tying; enclosing in a confined space, box, or similar cubicle.

§ 6.22. Discipline shall not be verbally abusive nor be associated with food, rest/sleep, or toileting.

§ 6.23. Staff shall not make threats to or derogatory remarks about any children or their families.

## Article 5

### Nutrition and Food Services

§ 6.24. Meals and Snacks

A. Meals and snacks shall be provided by the center or catered, according to the following requirements:

1. Centers open morning through afternoon shall serve a morning snack, a midday meal, and an afternoon snack.

2. Centers open part of the day shall serve appropriate snacks and/or meals, based on their hours of operation, e.g., a center open only for after school care must serve an afternoon snack; a center open from seven a.m. to one p.m. must serve a morning snack and a midday meal, etc.

3. Meals and snacks shall provide opportunities for children to learn to eat and enjoy a variety of nutritious foods.

4. A menu listing all meals and snacks to be served by the center during the current one week period shall be dated and posted in a location conspicuous to parents or distributed to parents.

5. Posted menus shall reflect substitutions.

6. Menus shall be retained at the center for one month.

7. Meals and snacks shall meet the nutritional needs of children and shall be equivalent to dietary

allowances established by the following recognized authority;

a. the Child Care Food Program of the U. S. Department of Agriculture which states that other than for infants on formula, the main meal and snacks of the day served at the center shall be attractive in appearance and shall provide 1/3-2/3 of the child's daily food needs, and shall consist of:

- (1) Meat, eggs, cheese, poultry, fish, or peanut butter;
- (2) Full strength natural vegetable or fruit juice, fruit;
- (3) Enriched or whole grain bread or cereal such as, but not limited to dry boxed baby cereal, oatmeal, cream of wheat, rice, spaghetti, or macaroni;
- (4) Butter or fortified margarine;
- (5) Milk;
- (6) A simple dessert, such as fruit or pudding;
- (7) A vegetable such as, but not limited to green beans, peas, lima beans, turnips, cabbage, lettuce, beets, and potatoes; potatoes shall not be served more than three times a week; and

(8) Dark green, leafy vegetable or deep yellow vegetable (carrots, yams, pumpkin), tomatoes, cantaloupe, peaches (all sources of vitamin A) shall be served at least three times a week in addition to the vegetables listed above;

8. Children shall not be served junk foods and empty calorie foods as part of a meal or snack such as, but not limited to:

- a. soda water and carbonated drinks
- b. candies - hard sugar, fondants, spun sugar
- c. gum
- d. caramel corn

9. Potato chips, corn chips, cookies, cake may be served only as a supplement to a nutritionally balanced meal.

10. There shall be a period of at least 1-1/2 hours between each meal or snack service.

11. Children shall be served any meals or snacks scheduled for the period during which they are present in the center.

12. Children shall be served portions appropriate for their age, nutritional needs, and stage of development. (Refer to USDA chart in Appendix)

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13. Children shall be permitted to have additional servings.

14. Children who have not eaten an evening meal before they are admitted to the center for evening and/or overnight care shall be served one.

15. A snack shall be served to children in evening and/or overnight care.

B. The center may choose to permit parents to provide any of the following categories of food:

1. special diets;
2. infant formulas;
3. baby food;
4. breakfasts;
5. snacks;
6. beverages and foods for celebrations and field trips;
7. mid-day meals for school age children only.

C. If the center chooses to permit parents to provide food, it shall develop and provide parents with a copy of written policies and procedures which shall address:

1. when and under what conditions food may be brought from home;
2. procedures of supplying food from the center, if a child's food is lost or becomes inedible or is inadequate in nutrition or quantity;
3. procedures used by both parents and the center to protect against food contamination and spoilage;
4. procedures used by both parents and the center to prevent children from eating food brought by other children, unless the food is intended to be shared, such as food brought for a celebration;

D. If the center permits parents to bring food from home, the center shall have food in stock which shall be offered to children to supplement any meals or snacks brought from home which are observably inadequate in nutrition or quantity, except for special occasions such as birthday parties.

E. If the center permits parents to bring food from home, all unused portions shall be discarded or returned to parents at the end of each day.

## § 6.25. Special Food Service Needs

Special diets for individual children shall be provided by the center or brought from home.

## § 6.26. Infant and Toddler Food Service Needs

A. Infants shall be fed on demand unless parents provide other written instruction.

B. Prepared infant formula shall be clearly labeled with the child's full name and refrigerated.

C. Bottle fed infants who cannot hold their own bottles shall be picked up and held when fed. Bottles shall not be propped.

D. No child shall be allowed to drink from a bottle while lying down such as, but not limited to in a crib, playpen or on a cot or mat.

E. Children shall not drink from a bottle while walking around.

F. Formula, bottled breast milk, and baby food not taken by an infant may be used later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day.

G. the record of each child on formula shall contain:

1. the brand of formula;
2. the child's feeding schedule; and
3. a statement signed by the parent noting any type(s) of commercial formula which may not be used in an emergency.

H. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.

I. Upon request, mothers shall be allowed to breastfeed their infants at the center.

J. Staff shall feed semi-solid food with a spoon unless the parent requests otherwise.

K. Infant feeders such as, but not limited to the plunger type feeding device, shall not be used except with written authorization and instructions from the child's physician.

L. Children six months of age and older shall be encouraged to feed themselves.

M. Drinking water shall be offered at regular intervals to infants and toddlers.

N. Children using infant seats or high chairs shall be carefully supervised during snacks or meals. When a child is placed in an infant seat, the protective belt shall be fastened securely.

## § 6.27. Contract Food Services

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A. If a catering service is used, it shall be approved by the local Health Department.

B. A copy of the current contract shall be made available to the Department's representative upon request.

## Article 6

### Activities

§ 6.28. The daily program for children shall provide experiences which promote the individual child's growth, well-being, and the age-appropriate development of gross and fine motor skills; language skills; cognitive skills; social and emotional skills; positive self-concept; and encourage the child's curiosity, interest, and exploration.

§ 6.29. There shall be a routine yet flexible schedule so that children have the security of knowing the sequence of daily activities.

A. The written schedule shall be available to parents upon request.

B. The daily schedule shall be retained for one month.

§ 6.30. Activities shall be geared to the age and developmental level of the children served.

§ 6.31. A mix of materials and activities both group and individual, active and quiet shall be provided.

§ 6.32. Outdoor activity shall be provided daily, weather permitting.

A. Centers operating at least five hours per day shall have at least one hour of outdoor activities per day which shall be divided between morning and afternoon.

B. Centers operating less than five hours per day shall have a brief outdoor recess in the morning or afternoon.

#### EXCEPTION

Outdoor activity may be omitted on days when an all-day field trip will take place indoors, as in a visit to a museum.

§ 6.33. Infant and Toddler Activities

A. For infants and toddlers, the center shall provide equipment and opportunities for sensory and perceptual experiences, and gross and fine motor development.

B. Infants and toddlers shall spend most of their waking hours outside of the crib, highchair, playpen, or other confining equipment.

C. There shall be periods of time each day when

infants and toddlers shall be free to creep, crawl, toddle, and walk as they are physically able.

D. Stimulation shall be regularly provided for infants and toddlers in a variety of ways including being held, talked to, and played with by staff.

E. For awake infants or toddlers or other children who cannot move about unassisted, staff shall change the places and position of the child and the selection of toys or objects available to the child at least every 30 minutes.

§ 6.34. Preschool Activities

The following activities and experiences shall be accessible to preschool children on a daily basis:

A. Creative Expression - For example: painting and drawing; use of scissors and paper; use of paste, clay, fingerpaints, socio-dramatic play using dolls, puppets, felt boards; use of collage materials.

B. Rhythm and Music - For example: listening to, dancing to, singing along with records/tapes; use of instruments such as rattles, bells, shakers, sandpaper blocks, triangles, drums, horns; singing and reciting songs, rhymes, finger plays.

C. Language and Communication Experiences - For example: book and story reading; story-telling; viewing film strips; listening to recorded stories; group discussion; show and tell; use of flannel boards.

D. Sensory Experiences and Nature Exploration - For example: discussion and observation of plants, leaves, weather; observation and caring of fish and marine life; water play; nature walks, use of toys that stimulate the sense of touch, sight, taste, hearing, and smell; use and observation of wood, soil, sand.

E. Manipulation and Perceptual Experiences - For example: building with blocks; building with interlocking logs; building with wooden dowels, blocks, wheels with multiple holes; play with nesting and stacking toys, pyramid rings/squares; use of interlocking blocks, cubes, geometric shapes, rings.

F. Home Living - For example: play in child-size interest areas; imaginative play through the use of dress-up clothes; play with dolls and doll houses, block people, wooden zoo and farm animals; use of puppets and play store items.

G. Tactile and Pre-Quantitative Experiences - For example: play in and measurement of water, sawdust, rice, beans, pebbles, soil; use of pails and shovels, measuring cups and spoons, funnels, pouring devices; availability of hose for siphoning; sponges.

H. Fine Motor Activities - For example: use of puzzles, manipulatives, beads, peg boards, mosaics, parquetry

# Proposed Regulations

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boards, spools; play with small balls, lacing boards, sorting toys; building with dominoes; modeling with clay; use of an abacus.

I. Gross Motor Activities - For example: climbing; balancing on steps, balance board; playing hopscotch; jumping rope; riding on or rolling transportation toys; throwing bean bags, rubber and non-toxic balls; play with punching bags; digging; reaching.

## § 6.35. School Age Activities

A. If they so desire children in kindergarten and first grade may be allowed to participate in activities with preschool children.

B. Activities for school age children shall include, but not be limited to arts, crafts, organized games or sports, reading, field trips, outdoor play.

## § 6.36. Evening and Overnight Care Activities

Activities for children in evening or overnight care shall include age-appropriate activities described in § 6.34. Quiet activities and experiences shall be available immediately prior to bedtime.

## § 6.37. Resting

A. Children of all ages shall be allowed to rest or sleep as needed.

B. Resting or sleeping infants and toddlers shall be checked at least every 30 minutes.

C. Centers operating five or more hours per day shall have a designated rest period for preschool children in attendance at the time of the rest period.

1. The designated rest period shall be at least one hour but no longer than two hours unless children are actually sleeping.

2. Cots, beds, or mats shall be used during the designated rest period.

## PART VII

### EMERGENCIES

#### Article 1

##### Staff Training

§ 7.1. There shall be at least one staff person on the premises during all hours of operation who has received within the past three years a basic certificate in standard

first aid (Multi-Media, Personal Safety, or Standard First Aid Modular) through the Red Cross.

NOTE: Centers that have licenses in effect on ..... (effective date of these standards) shall comply with this standard by ..... (six months after the effective date).

#### Article 2

##### Buildings and Equipment

§ 7.2. Each building of the center shall have a first aid kit which shall include at a minimum:

A. scissors;

B. tweezers;

C. gauze pads;

D. adhesive tape;

E. band-aids, assorted sizes;

F. an antiseptic cleansing solution;

G. an anti-bacterial ointment;

H. syrup or ipecac (to be used only upon the advice of the Poison Control Center);

I. bee sting swabs;

J. thermometer; and

K. triangular bandages.

§ 7.3. The first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.

§ 7.3. A first aid instructional manual shall be kept with each first aid kit at all times.

##### § 7.5. Heating Units

A. Gas stoves, coal stoves, wood stoves, oil stoves, portable electric heaters, kerosene heaters, and portable heating units of a similar nature shall not be used in areas used by children, except in an emergency such as a power outage in cold weather.

B. When any of the above heating sources are used, physical barriers shall be erected to protect children from injuries.

C. Any heating units used in an emergency shall have been previously inspected and approved by the appropriate fire safety official.

## Article 3

### Procedures

§ 7.6. Emergency evacuation procedures shall be:

A. posted in a location conspicuous to staff and children in each building of the center;

B. shall be implemented through monthly practice drills.

C. The center shall maintain a record of the dates of the monthly emergency evacuation drills for one year.

§ 7.7. The following telephone numbers shall be posted in a conspicuous place near each telephone:

A. a physician or hospital;

B. an ambulance or rescue squad service;

C. the local Fire Department;

D. the local Police Department;

#### EXCEPTION:

If there is a generic emergency number such as, but not limited to 911 operable in the locality, that number may be posted in addition to the above numbers.

E. a Regional Poison Control Center.

§ 7.8. The center will notify the parent immediately in the event of a serious accident or injury and will notify the parents of a minor accident or injury at the end of the day. Written documentation of the type of injury, date, and method of notifying parents shall be kept on file at the center for one year after the injury or accident.

# Proposed Regulations

## APPENDIX I DEPARTMENT OF SOCIAL SERVICES

### BREAKFAST

The minimum amount of food components to be served as breakfast are as follows:

FOOD COMPONENTS	AGE 1 to 3	AGE 3 to 6	AGE 6 to 12 <sup>1</sup>
<b>MILK</b>			
Milk, fluid .....	1/2 cup <sup>2</sup>	3/4 cup	1 cup
<b>VEGETABLES &amp; FRUITS</b>			
Vegetable(s) and/or fruit(s) .... OR Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegeta- ble(s), fruit(s) and juice.....	1/4 cup  1/4 cup	1/2 cup  1/2 cup	1/2 cup  1/2 cup
<b>BREAD AND BREAD ALTERNATES<sup>3</sup></b>			
Bread .....	1/2 slice	1/2 slice	1 slice
OR Cornbread, biscuits, rolls, muffins, etc. <sup>4</sup> .....	1/2 serving	1/2 serving	1 serving
OR Cold dry cereal <sup>5</sup> .....	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
OR Cooked cereal .....	1/4 cup	1/4 cup	1/2 cup
OR Cooked pasta or noodle products ..	1/4 cup	1/4 cup	1/2 cup
OR Cooked cereal grains or an equiv- alent quantity of any combina- tion of bread/bread alternative..	1/4 cup	1/4 cup	1/2 cup

<sup>1</sup> Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.

<sup>2</sup> For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

<sup>3</sup> Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.

<sup>4</sup> Serving sizes and equivalents to be published in guidance material by FNS.

<sup>5</sup> Either volume (cup) or weight (oz.), whichever is less.

SUPPLEMENTAL FOOD

The minimum amounts of food components to be served as supplemental food are as follows. Select two of the following four components. (Juice may not be served when milk is served as the only other component.)

FOOD COMPONENTS	AGE 1 to 3	AGE 3 to 6	AGE 6 to 12 <sup>1</sup>
<b>MILK</b>			
Milk, fluid .....	1/2 cup <sup>2</sup>	1/2 cup	1 cup
<b>VEGETABLES &amp; FRUITS</b>			
Vegetable(s) and/or fruit(s) .... OR Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.....	1/2 cup	1/2 cup	3/4 cup
	1/2 cup	1/2 cup	3/4 cup
<b>BREAD AND BREAD ALTERNATES<sup>3</sup></b>			
Bread .....	1/2 slice	1/2 slice	1 slice
OR Cornbread, biscuits, rolls, muffins, etc. <sup>4</sup> .....	1/2 serving	1/2 serving	1 serving
OR Cold dry cereal <sup>5</sup> .....	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
OR Cooked cereal .....	1/4 cup	1/4 cup	1/2 cup
OR Cooked pasta or noodle products ..	1/4 cup	1/4 cup	1/2 cup
OR Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternative..	1/4 cup	1/4 cup	1/2 cup
<b>MEAT AND MEAT ALTERNATIVES</b>			
Lean meat or poultry or fish <sup>6</sup> .....	1/2 oz.	1/2 oz.	1 oz.
OR Cheese .....	1/2 oz.	1/2 oz.	1 oz.
OR Eggs .....	1/2 egg	1/2 egg	1 egg
OR Cooked dry beans or peas .....	1/8 cup	1/8 cup	1/4 cup
OR Peanut butter or an equivalent quantity of any combination of meat/meat alternate .....	1 tbsp.	1 tbsp.	2 tbsp.

<sup>1</sup> Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.

<sup>2</sup> For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

<sup>3</sup> Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.

<sup>4</sup> Serving sizes and equivalents to be published in guidance material by FNS.

<sup>5</sup> Either volume (cup) or weight (oz.), whichever is less.

<sup>6</sup> Edible portion as served.



# Proposed Regulations

## LUNCH OR SUPPER

The minimum amounts of food components to be served as lunch or supper are as follows:

FOOD COMPONENTS	AGE 1 to 3	AGE 3 to 6	AGE 6 to 12 <sup>1</sup>
<b>MILK</b>			
Milk, fluid .....	1/2 cup <sup>2</sup>	3/4 cup	1 cup
<b>VEGETABLES &amp; FRUITS</b>			
Vegetable(s) and/or fruit(s) ....	1/4 cup total	1/2 cup total	3/4 cup total
<b>BREAD AND BREAD ALTERNATES</b>			
Bread .....	1/2 slice	1/2 slice	1 slice
OR			
Cornbread, biscuits, rolls, muffins, etc. ....	1/2 serving	1/2 serving	1 serving
OR			
Cooked pasta or noodle products ..	1/4 cup	1/4 cup	1/2 cup
OR			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternative..	1/4 cup	1/4 cup	1/2 cup
<b>MEAT AND MEAT ALTERNATIVES</b>			
Lean meat or poultry or fish <sup>6</sup> .....	1 oz.	1 1/2 oz.	2 oz.
OR			
Cheese .....	1 oz.	1 1/2 oz.	2 oz.
OR			
Eggs .....	1 egg	1 egg	1 egg
OR			
Cooked dry beans or peas .....	1/4 cup	3/8 cup	1/2 cup
OR			
Peanut butter or an equivalent quantity of any combination of meat/meat alternate .....	2 tbsp.	3 tbsp.	4 tbsp.

<sup>1</sup> Children age 12 and up may be served adult-size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.

<sup>2</sup> For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

<sup>3</sup> Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

<sup>4</sup> Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be wholegrain or enriched meal or flour.

<sup>5</sup> Either volume (cup) or weight (oz.), whichever is less.

<sup>6</sup> Edible portion as served.

MEAL PATTERNS FOR CHILDREN  
IN CHILD CARE PROGRAMS

The Child Care Food Program gives Federal aid to child care centers and family and group day care homes. The goal of the program is to improve the diets of children providing them with nutritious, well-balanced meals. This publication is intended to assist large centers with the purchase and preparation of the correct quantities of food. It contains meal patterns, food components, can and jar sizes, and food yields. The following meal patterns contain the minimum food components which must be served in order to be reimbursed by USDA.

FOOD COMPONENTS	Children 1 up to 3 years	Children 3 up to 6 years	Children 6 up to 12 years
<b>BREAKFAST:</b>			
Milk, fluid <sup>1</sup>	1/2 cup	3/4 cup	1 cup
Juice or fruit or vegetable	1/4 cup	1/2 cup	1/2 cup
Bread and/or cereal, enriched or whole grain: <sup>2</sup>			
Bread	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry	1/4 cup <sup>3</sup>	1/3 cup <sup>4</sup>	3/4 cup <sup>5</sup>
Hot cooked	1/4 cup	1/4 cup	1/2 cup
<b>MID-MORNING OR MID-AFTERNOON SUPPLEMENT (Snack)</b> (Select 2 of these 4 components)			
Milk, fluid <sup>1</sup>	1/2 cup	1/2 cup	1 cup
Meat or meat alternate	1/2 ounce	1/2 ounce	1 ounce
Juice or fruit or vegetable	1/2 cup	1/2 cup	3/4 cup
Bread and/or cereal, enriched or whole grain: <sup>2</sup>			
Bread	1/2 slice	1/2 slice	1 slice
Cereal:			
Cold dry	1/4 cup <sup>3</sup>	1/3 cup <sup>4</sup>	3/4 cup <sup>5</sup>
Hot cooked	1/4 cup	1/4 cup	1/2 cup
<b>LUNCH OR SUPPER</b>			
Milk, fluid <sup>1</sup>	1/2 cup	3/4 cup	1 cup
Meat or meat alternate: <sup>6</sup>			
Meat, poultry, or fish, cooked <sup>7</sup>	1 ounce	1 1/2 ounces	2 ounces
Cheese	1 ounce	1 1/2 ounces	2 ounces
Egg	1	1	1
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
Peanut butter	2 tablespoons	3 tablespoons	4 tablespoons
Vegetable and/or fruit <sup>8</sup>	1/4 cup	1/2 cup	3/4 cup
Bread, enriched or whole grain <sup>2</sup>	1/2 slice	1/2 slice	1 slice

- <sup>1</sup> Includes whole milk, lowfat milk, skim milk, cultured buttermilk, or flavored milk made from these types of fluid milk which meet State and local standards.
- <sup>2</sup> Or an equivalent serving of an acceptable bread product made of enriched or whole grain meal or flour, or enriched or whole grain rice or pasta. See listing in FNS-64, A Planning Guide for Food Service in Child care Centers, for serving sizes of acceptable bread/bread alternates.
- <sup>3</sup> 1/4 cup (volume) or 1/3 ounce (weight), whichever is less.
- <sup>4</sup> 1/3 cup (volume) or 1/2 ounce (weight), whichever is less.
- <sup>5</sup> 3/4 cup (volume) or 1 ounce (weight), whichever is less.
- <sup>6</sup> Or an equivalent quantity of any combination of foods listed under Meat or Meat Alternates.
- <sup>7</sup> Cooked lean meat without bone.
- <sup>8</sup> Must include at least two kinds.

# Proposed Regulations

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## APPENDIX II DEPARTMENT OF SOCIAL SERVICES

### COMMUNICABLE DISEASE CHART

The Virginia Department of Health, Division of Communicable Disease, revised the current Communicable Disease Chart. The new chart will be available in January, 1985 and will be included in the Minimum Standards for Licensed Child Care Centers at that time.

# Proposed Regulations

DEPARTMENT OF SOCIAL SERVICES

**Required Information to be Submitted with Application for Renewal of License to Operate a Child Care Center**

**I. IDENTIFYING DATA**

A. NAME OF CHILD CARE CENTER		B. TELEPHONE NUMBER (A. C. )	
C. NAME OF APPLICANTS (INDIVIDUAL(S), CORPORATION, OR UNINCORPORATED ASSOCIATION)			
D. LOCATION ADDRESS		E. MAILING ADDRESS IF DIFFERENT FROM LOCATION	
		F. ZIP	
G. NAME OF ADMINISTRATOR		H. NAME OF PROGRAM DIRECTOR	

**II. PROGRAM TO BE OFFERED**

A. NOTE ANY CHANGE IN THE PURPOSE OF THE FACILITY  PURPOSE UNCHANGED

B. OPERATING HOURS		C. REQUESTED LICENSED CAPACITY				
FROM:	TO:	1. Total No. of Children	2. SEX	3. AGE RANGE		
				FROM:	THROUGH:	
<b>D. CURRENT ENROLLMENT BY AGE GROUPS AND TYPE OF CARE OFFERED</b>						
AGE GROUP	HALF DAY CARE	FULL DAY CARE	BEFORE AND AFTER SCHOOL CARE	EVENING CARE 7:00 P.M. 1:00 A.M.	OVER-NIGHT AFTER 1:00 A.M.	TOTAL
INFANTS AND TODDLERS (UNDER 2)						
PRESCHOOL	2 YEARS					
	3 - 5 YEARS					
SCHOOL AGE	6 - 9 YEARS					
	10 - 14 YEARS					
<b>TOTALS</b>						

**III. SCHEDULE OF FEES**

A. FEE PER CHILD (SPECIFY PER DAY, WK., MO.)	B. REGISTRATION FEE	C. INSURANCE FEE
D. TRANSPORTATION FEE	E. OTHER FEES (SPECIFY)	

F. EXPLAIN ANY VARIATION IN ESTABLISHED FEES; FOR EXAMPLE, IF THERE IS A FEE SCHEDULE WHEN MORE THAN ONE CHILD IS FROM THE SAME FAMILY

**IV. SERVICES: REVIEW THE FOLLOWING TOPICS, NOTE CHANGES WHICH HAVE OCCURRED OR WHICH ARE CONTEMPLATED FOR THE COMING YEAR AND INDICATE "NO CHANGE" WHERE APPROPRIATE.**

A. POLICIES OF ADMISSION AND DISCHARGE  NO CHANGE

032-05-225/3 (3-82)

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B. PROVISION FOR COMMUNICATION WITH PARENTS  NO CHANGE

C. PROVISION FOR DAILY HEALTH INSPECTION OF CHILDREN  NO CHANGE

D. PROVISION FOR STAFF TRAINING  NO CHANGE

## V. OTHER INFORMATION

A. THE CENTER IS SPONSORED BY:  AN INDIVIDUAL(S)  A CORPORATION  AN UNINCORPORATED ASSOCIATION

B. FOR CENTERS SPONSORED BY EITHER CORPORATIONS OR UNINCORPORATED ASSOC. LIST ALL OFFICERS AND MEMBERS OF THE BOARD

NAME	OFFICE	ADDRESS

VI. FOR CENTERS PRESENTLY LICENSED CONDITIONALLY OR PROVISIONALLY: STATE SPECIFICALLY WHICH REQUIREMENTS LISTED AS CONDITIONS OF THE LICENSE HAVE BEEN MET AND IF UNMET WHAT THE PLANS ARE FOR MEETING THEM

## VII. ATTACHMENTS

- A. STAFF INFORMATION SHEET (REQUIRED IN ALL CASES)
- B. SAMPLE DAILY ACTIVITY SCHEDULE. ATTACH ONLY IF THERE IS A BASIC SCHEDULE CHANGE.  ATTACHED  NOT APPLICABLE
- C. A COPY OF THE OPERATING BUDGET FOR THIS FISCAL OR CALENDAR YEAR, IF THE CENTER RECEIVES ANY OF ITS OPERATING COSTS FROM PUBLIC CONTRIBUTIONS OR COMMUNITY ORGANIZATIONS. THE BUDGET MUST SHOW WHICH COSTS THESE FUNDS MEET AND HOW THE REMAINING COSTS OF OPERATION WILL BE MET.  ATTACHED  NOT APPLICABLE
- D. NEW OR REVISED FORMS AND / OR BROCHURES  ATTACHED  NOT APPLICABLE
- E. A LIST OF NEW INDOOR AND OUTDOOR PLAY EQUIPMENT, MATERIAL AND / OR SUPPLIES AVAILABLE TO CHILDREN  ATTACHED  NOT APPLICABLE
- F. BUILDING PLANS FOR ANY CONTEMPLATED CONSTRUCTION GIVING ROOM DIMENSIONS, SPECIFICATIONS, AND USE  ATTACHED  NOT APPLICABLE

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES

## APPLICATION FOR A STATE LICENSE TO PROVIDE CARE FOR CHILDREN

This application shall be signed by the individual responsible for operation of the Child Care Facility or, if the facility is to be operated by a board, by an officer of the board, preferably the chairman. It should be filed two months in advance of the planned opening date or two months in advance of the expiration of the current license. The licensing study will begin when a completed application is received.

Application is hereby made for license to operate a Child Care Facility pursuant to provisions of Chapter 10, Title 63.1, Code of Virginia.

Check Type of Facility:  Child Caring Institution  Child Care Center  Child Placing Agency  Family Day Care Systems

Name of Facility \_\_\_\_\_

Facility Address \_\_\_\_\_  
Street or Route No. City State Zip

In making this application, I state that:

1. I am in receipt of and have read a copy of the licensing statute and the minimum standards applicable to the type facility indicated above.
2. I certify that it is my intent to comply with the aforementioned minimum standards and statutes and to remain in compliance with them if I am so licensed.
3. I grant permission to the Department of Social Services and/or its authorized agents to make all necessary investigation of the circumstances surrounding this application and any statement made herein, including inspection of the facility. I understand that, following licensure, authorized agents of the Department will make announced and unannounced visits to the facility to determine its compliance with standards.
4. I understand that the Department of Social Services shall request, as needed, reports from the local health department, State Fire Marshal and local fire department.
5. I understand that an application for a license is subject to either issuance or denial. In the event of denial, it is understood that I have the right to request an administrative hearing.
6. I am aware that it is a misdemeanor for any person to operate a Child Care Facility without a license.
7. To the best of my knowledge and belief, all information I have given to the Department of Social Services and/or its authorized agents on the attached forms and during any pre-application conference is true and correct. I will supply true and correct information requested during all subsequent investigations.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Position)

\_\_\_\_\_  
(Social Security #)

\_\_\_\_\_  
(Birthdate)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Name of Corporation, if any)

\_\_\_\_\_  
(Business Telephone)

RETURN ORIGINAL TO THE REGIONAL OFFICE OF THE DEPARTMENT OF SOCIAL SERVICES.  
(RETAIN A COPY OF THIS APPLICATION FOR THE FACILITY'S RECORDS)

032-05-522/6 (Rev. 11/84)

# Proposed Regulations

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# Proposed Regulations

REQUIRED INFORMATION TO BE SUBMITTED WITH NEW APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE CENTER (Attach additional sheets as needed)

## I. IDENTIFYING DATA

A. Name of Child Care Center	B. Telephone Number (Area Code: )
C. Name of Sponsor (Individual, Partnership, Corporation, or Unincorporated Association)	
D. Location of Center	E. Zip Code
F. Mailing Address (if different from location address)	G. Zip Code
H. Name of Administrator	I. Name of Program Director
J. Directions to the Center: _____ _____ _____	

## II. PROGRAM TO BE OFFERED

A. State the purpose and scope of the center's services (EXAMPLES: What will be the major goal of your center? What will be the emphasis and philosophy of your program to carry out this goal? What are the specific services to be provided as part of your program and how do these services vary according to the age groups in care?):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. OPERATING HOURS		C. REQUESTED LICENSED CAPACITY				
Opening Time:	Closing Time:	1. Requested Capacity:	2. Age Range			
			From:	Through:		
D. PROPOSED ENROLLMENT BY AGE GROUPS AND TYPE OF CARE OFFERED						
AGE GROUP	Half Day Care	Full Day Care	Before & After School Care	Evening Care 7pm-1am	Overnight Care After 1am	Total
Infants & Toddlers (Under 2)						
Preschool (2-5 Years)						
School Age (6 and Over)						
TOTALS						

E. Describe any plans for providing services to children with special needs for toilet training, care for physical handicaps, additional attention for behavioral problems, etc.:

\_\_\_\_\_

\_\_\_\_\_

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# Proposed Regulations

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F. Describe the process for the admission and discharge of a child:

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G. Describe methods for screening and hiring staff:

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H. Describe training opportunities provided for staff:

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I. Describe provision for communication with parents:

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J. Describe provision for daily health inspection of children:

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### III. INFORMATION ON OPERATOR/LICENSEE

A. Center is to be operated by:  Individual  Corporation  
 Partnership  Association

B. List the names and addresses of three persons who are not related to the applicant(s) and who can certify to the applicant's(s') character and reputation. For centers sponsored by either corporations or unincorporated associations, provide three references for each Officer of the Board. Attach an extra page, if necessary.

Name of Individual Owner, Partner, or Officer of the Board \_\_\_\_\_

Social Security # \_\_\_\_\_

Birthdate: \_\_\_\_\_

References

Addresses

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name of Partner, or Officer of the Board \_\_\_\_\_

Social Security # \_\_\_\_\_

Birthdate: \_\_\_\_\_

References

Addresses

	City State Zip
	City State Zip
	City State Zip

Name of Partner, or Officer of the Board \_\_\_\_\_

Social Security # \_\_\_\_\_

Birthdate: \_\_\_\_\_

References

Addresses

	City State Zip
	City State Zip
	City State Zip

Name of Partner, or Officer of the Board \_\_\_\_\_

Social Security # \_\_\_\_\_

Birthdate: \_\_\_\_\_

References

Addresses

	City State Zip
	City State Zip
	City State Zip

C. For centers sponsored by either corporations or unincorporated associations:

1. List all other officers and members of the Board

President or Chairperson \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
City State Zip

<u>Office</u>	<u>Name</u>	<u>Address</u>

# Proposed Regulations

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2. List all standing committees of the Board:

<u>Name of Committee</u>	<u>Chairperson</u>

## IV. FINANCIAL INFORMATION

A. Balance Sheet to be attached (See V, A)

B. Initial Cash Requirements

Renovation of Property	\$ _____
Furniture	_____
Equipment	_____
Supplies	_____
Children's Art Supplies	_____
Cleaning and Maintenance	_____
Office	_____
Food	_____
Business and Legal Costs	_____
(EXAMPLES: Legal Fees, Business License, Fee for Use Permit or Occupancy Permit)	_____
Start Up Costs	_____
(EXAMPLES: Insurance, Utility Deposit, First Month's Rent or Mortgage Payment)	_____
Others: _____	_____
_____	_____
	_____
	_____
	TOTAL COST \$ _____

Please indicate plan of financing these initial cash requirements:

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# Proposed Regulations

C. OPERATING BUDGET FOR FIRST YEAR OF OPERATION

	<u>Monthly</u>	<u>Annual</u>
<u>INCOME</u>		
Estimated fees ( _____ children @ _____/week)	_____	_____
Estimated fees ( _____ children @ _____/week)	_____	_____
Estimated fees ( _____ children @ _____/week)	_____	_____
Other Income:	_____	_____
_____	_____	_____
<u>TOTAL INCOME</u>	_____	_____
Less Allowance for Vacancy and Collection Losses	_____	_____
Estimated Gross Income	_____	_____
 <u>EXPENSES</u>		
<u>Fixed Expenses</u>		
Rent or Mortgage	_____	_____
Utilities (heat, electricity, water, etc.)	_____	_____
Insurance (including Workmen's Compensation)	_____	_____
Taxes (Property, Business Property, Business Income, etc.)	_____	_____
Other Expenses: (including loan & debt payments)	_____	_____
_____	_____	_____
<u>TOTAL INCOME</u>	_____	_____
 <u>Controllable Expenses</u>		
<u>Salaries and Wages:</u>		
_____	_____	_____
_____	_____	_____
_____	_____	_____
 <u>Employee Benefits</u> (Health Insurance, Pension Plan, etc.)		
_____	_____	_____
<u>Payroll Taxes:</u>		
Social Security (FICA)	_____	_____
Unemployment Tax (FUTA)	_____	_____
<u>Food:</u>		
Staff	_____	_____
Children	_____	_____
Supplies and Equipment	_____	_____
Repairs and Maintenance	_____	_____
Office Expenses	_____	_____
(Advertising, phone, postage, paper, etc.)	_____	_____
Professional Services	_____	_____
(Bookkeeper, Lawyer, etc.)	_____	_____
Staff Development	_____	_____
(Workshops, Publications, etc.)	_____	_____
Others	_____	_____
Total Controllable Expenses	_____	_____
 <u>TOTAL EXPENSES</u>		
_____	_____	_____
 <u>NET INCOME</u>		
_____	_____	_____

# Proposed Regulations

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## V. ATTACHMENTS REQUIRED OF ALL APPLICANTS

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- A. Balance Sheet (Form provided)
- B. Play Equipment for Centers Serving Infants and/or Children 2 - 5 Years of Age (Form provided)
- C. A Staff Information Sheet. If staff is not yet hired, indicate positions to be used, anticipating hours of employment, etc. (Form provided)
- D. A statement regarding the sponsorship and organization of the child care center, with information showing who is responsible for policy making, operation and management decisions.
- E. Samples of all forms developed, such as application form, agreement form, etc.
- F. Floor plans indicating exact dimensions of rooms to be used, including room length, width and ceiling heights; designating the functions of each room; showing toilet facilities, including number of basins and toilets; showing isolation arrangements and position of any fixed equipment and furniture.
- G. A sketch of available outdoor play area including exact dimensions and the location of any fixed play equipment.
- H. A copy of the daily activity schedule(s) for the center program(s).
- I. 1) For centers operated by a corporation:

	<u>Attached</u>	<u>Not Applicable</u>
a. Copy of certificate issued by State Corporation Commission	<input type="checkbox"/>	<input type="checkbox"/>
b. Copy of Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of By-Laws, if any	<input type="checkbox"/>	<input type="checkbox"/>
- 2) For centers operated by an association:

a. Copy of Constitution, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. Copy of By-Laws, if any	<input type="checkbox"/>	<input type="checkbox"/>
- 3) For centers operated by a partnership:

Copy of partnership agreement, if any	<input type="checkbox"/>	<input type="checkbox"/>
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# SURVEY

## DEPARTMENT OF SOCIAL SERVICES

Please remove the pages of this survey from the Register of Regulations before returning it to the Virginia Department of Social Services.

### COMMENTS ON PROPOSED REVISIONS TO MINIMUM STANDARDS FOR LICENSED CHILD CARE CENTERS PUBLIC COMMENT PERIOD DECEMBER 10, 1984 THROUGH FEBRUARY 20, 1985

INTRODUCTION: Every comment which is submitted is important. It is the desire of the Department of Social Services to give equal consideration to every comment. Automated equipment (a computer and word processing equipment) will be utilized to tabulate and collate responses received during the public comment period. Following the instructions will assure that each submitted comment receives equal consideration. Your cooperation will also permit the Department of Social Services to analyze the comments received in the most cost efficient manner. Completed survey instruments should be submitted to:

Virginia Department of Social Services  
Division of Licensing Programs  
8007 Discovery Drive  
Richmond, Virginia 23229-8699

**GENERAL INSTRUCTIONS:** The survey instrument consists of three portions: (I) Respondent Identification; (II) Standards Evaluation; and (III) Narrative Comments. Instructions for completing each section of the survey instrument precede the section; please follow the specific instructions for the section. If you wish to make a narrative comment about one or more specific standards, please use the forms provided in Section III for that purpose. **PRIOR TO COMPLETING THE SURVEY INSTRUMENT, IT IS RECOMMENDED THAT THE COMPLETE SET OF STANDARDS BE REVIEWED.** If you do not have a complete set of the standards, one may be obtained by contacting Mrs. Meredyth Partridge at (804) 281-9025 or by calling the Department's toll-free number (1-800-552-7091). Any questions concerning the standards or the survey instrument may also be directed to Mrs. Partridge.

#### I. RESPONDENT IDENTIFICATION:

A. **Instruction:** Complete each item. In the space provided, record the code letter for the category of which you are a member. **SELECT ONLY ONE CATEGORY.** If you belong to more than one category, select the category with which you wish your response to be tabulated.

.....1. Indicate in the space on the left the number of the category of which you are a member. Record only one category.

#### CATEGORIES:

- a. The operator of a licensed child care center. (Operators include directors, licensees, chief-administrators and owners).
- b. A staff member (other than the operator) of a licensed child care center.
- c. An employee of the Virginia Department of Social Services.
- d. An employee of a local department of public welfare/social services.
- e. The parent/guardian of a child enrolled in a licensed child care center.
- f. An interested party other than those listed above.
- g. Unidentified.

# Survey

.....2. Indicate in the space on the left the code letter of the type of facility with which you are affiliated. **SELECT ONLY ONE CATEGORY.** The parent/guardian of a child enrolled in a licensed child care center is requested to record the category for the type of facility the child attends.

- a. Profit making licensed child care center.
- b. Not for profit licensed child care center.
- c. Not affiliated with a specific child care center.

B. Instructions: It is requested that you provide your name and address in order that your response be tabulated in the categories that you recorded above. Equal consideration will be given to every comment; however, responses which do not include a name and address will be tabulated in category "g: Unidentified." It is necessary to provide your name and address if you wish your response tabulated in one of the other categories. Providing your name and address will also allow us to contact you should we have questions about your response or need additional information.

Name: ..... Address: .....  
(Street) .....  
(City)..... (State)..... (Zip).....

## II. STANDARDS EVALUATION

Those standards which have generated the most discussion and/or disagreement about their content have been included in this section. These standards have been selected for specific review independently of other standards concerning the same topical area in the complete set of standards. To appreciate the full context of the topical area, it may be beneficial to review the complete set of standards, if you have not already done so, prior to completing this section.

If you wish to make a narrative comment about one or more specific standards, please use the forms provided in Section III for that purpose. The forms may be used for making comments about standards included in this section, as well as any other standards in the complete set of standards.

Instructions: You are requested to evaluate each standard on the specific items described below:

Protection: Does the standard provide sufficient protection to the well-being of children in the child care environment?

Cost: Is the cost required to comply with the standard justified to protect children in the child care environment? (Cost includes both financial aspects of a center's operation and the time of center staff.)

Clarity: Is the meaning of the standard clear and understandable to you as it is written? (This question asks only whether the standard is written in an understandable manner; it does not ask whether you agree or disagree with the standard.)

IN THE SPACE PROVIDED TO THE LEFT OF EACH STANDARD, PLEASE WRITE THE CODE NUMBERS WHICH REFLECT YOUR OPINION ABOUT THE STANDARD.

1. § 2.7. Virginia Code § 63.1-198: With an initial application for licensure, the applicant shall provide the Department with the following evidence of financial responsibility:

- A. a projected budget detailing expected income and expenses of the proposed center for the first year of operation;
- B. a complete balance sheet showing separately the current assets committed to, and current liabilities charges against, the proposed center.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

2. § 2.8. Virginia Code, § 63.1-219: Should noncompliance which directly affects the safety and health of children be found during an investigation based on a renewal application, the Department may direct the licensee to provide documentation of financial responsibility in order to give reasonable assurance of the continued maintenance of the center. If so directed, the licensee shall submit at a minimum:

- A. a statement of the center's operating expenses and income for the most recent fiscal year, and
- B. a complete balance sheet showing separately the current assets committed to, and liabilities charged against, the center.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

3. § 3.1. The following standards shall apply to all staff:

- A. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.
- B. All staff shall be of good character and reputation.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

4. § 3.15. Program Director and Assistant Program Director:

- A. There shall be one person responsible for the program of the center who shall have the following qualifications:

1. The equivalency of 15 semester hours or 22-1/2 quarter hours of college credits. A maximum of nine Continuing Education Units (C.E.U.'s) will be accepted in lieu of six semester hours or nine quarter hours of college credit. The Child Development Associate (C.D.A.) credential may be substituted for 15 semester hours or 22-1/2 quarter hours of college credits. Verification of this attainment shall be available to the Commissioner's representative upon request.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

5. § 4.6. The following ratio of staff to children is required whenever children are on the premises of the center, on the outdoor activity area, and during all field trips provided by the center:

- A. for children from birth to the age of 16 months: one staff person for every four children;

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	



## Survey

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6. § 4.6. The following ratio of staff to children is required whenever children are on the premises of the center, on the outdoor activity area, and during all field trips provided by the center:

B. for children 16 months old to two years: one staff person for every five children;

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

7. § 4.6. The following ratio of staff to children is required whenever children are on the premises of the center, on the outdoor activity area, and during all field trips provided by the center:

C. for children from two years to four years: one staff person for every ten children;

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

8. § 4.6. The following ratio of staff to children is required whenever children are on the premises of the center, on the outdoor activity area, and during all field trips provided by the center:

D. for children from four years to the age of eligibility to attend public school: one staff person for every 12 children;

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

9. § 4.6. The following ratio of staff to children is required whenever children are on the premises of the center, on the outdoor activity area, and during all field trips provided by the center:

E. for children from the age of eligibility to attend public school and older: one staff person for every 20 children.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

10. § 4.7. When children are regularly in ongoing mixed age groups, the staff to children ratio applicable to the youngest child in the group shall apply to the entire group:

Note: The transition period up to one hour after opening and one hour before closing is not considered a regular and ongoing mixed age group period. A ratio applicable to the oldest child in the group shall apply during the transition period, provided that adequate attention to the safety of the group can be maintained. A protected area shall be provided for infants and toddlers in a mixed age group.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

11. § 4.9. During designated rest or sleeping periods for children aged two years or older, the overall ratio of

staff to children is permitted to be one staff person to every 25 children, provided that:

- A. a staff person is able to see and hear the resting/sleeping children,
- B. all staff counted in the overall ratio shall be in the immediate proximity and available to assure safe evacuation in an emergency, and,
- C. an additional person is present at the center to assist, if necessary.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

12. § 5.8. Group Activity Areas:

A. Calculation of Activity Space

- 1. Centers shall have a minimum of 25 square feet of available activity space per child and 200 cubic feet of air space per child.
- 2. Activity space includes equipment used during activities.
- 3. Areas not routinely used for children's activities shall not be calculated as available activity space. Space not calculated shall include, but not be limited to offices, hallways, bathrooms, kitchens, storage rooms/closets, and space occupied by equipment which is not used in or does not contribute to the children's activities.
- 4. In centers serving children under the age of 16 months, space occupied by, but not limited to the following basic equipment shall not be calculated as available activity space: cribs, changing tables, high chairs, rocking chairs, feeding tables, playpens.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

13. § 5.9 G. Mats for sleep and rest may be used by school age children only.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

14. § 5.9 G. 1. Mats for sleep and rest shall be at least 22 inches wide and 39 inches long and shall be covered with a waterproof material that is readily cleanable, such as vinyl.

- 2. Mats shall be at least one inch thick.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

15. § 5.9 K. Arrangement of cribs, cots, mats, and beds.

- 3. There shall be at least 12 inches of space between the sides and ends of occupied cribs except where

they touch the wall.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

16. § 5.9 K. Arrangement of cribs, cots, mats, and beds.

4. There shall be at least 30 inches of space between service sides of occupied cribs and other furniture, when that space is the walkway for staff to gain access to any child in any crib.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

17. § 5.9 K. Arrangement of cribs, cots, mats, and beds.

5.a. There shall be at least 15 inches of space between sides and ends of occupied cots, beds, and mats.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

18. § 5.10 G. 1. The center shall have one toilet and one sink for every 15 preschool children and one toilet and one sink for every 30 school age children.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

19. § 5.10 G. 2. For centers licensed for 30 or fewer school age children, the following standards shall apply:

- a. Only school age children of the same sex may occupy the bathrooms at the same time.
- b. If the bathroom contains more than one toilet, at least one toilet shall be individually enclosed for privacy.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

20. § 5.10 G. 3. For centers licensed for more than 30 school age children, the following standards shall apply:

- a. Separate bathrooms shall be provided for school age children of the opposite sex.
- b. In bathrooms with more than one toilet, at least one toilet shall be individually enclosed for privacy.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

21. § 5.10 H. In centers serving children who are not completely toilet trained, the following requirement applies:

1. There shall be a diapering area in each room or in an adjacent room which opens into each area designed for children not toilet trained. The diapering area shall contain:

a. a sink with hot and cold running water and a nonabsorbent changing surface.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

22. § 5.10 H. In centers serving children who are not completely toilet trained, the following requirement applies:

3. There shall be one toilet chair and one adapter seat or two toilet chairs for each twenty children between the ages of 20 months and 32 months. Child size toilets located in or adjacent to any room used for the majority of the day by children being toilet trained may substitute for or supplement the required number of toilet chairs.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

23. § 5.10 H. In centers serving children who are not completely toilet trained, the following requirement applies:

4. There shall be a toilet in or immediately adjacent to each room used for the majority of the day by children being toilet trained.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

24. § 6.19. There shall be no physical punishment administered to the body.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

25. § 6.20. Children shall not be shaken.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

26. § 6.21. A child shall not be forced to assume an uncomfortable position such as, but not limited to standing on one foot; keeping arms raised above or horizontal to the body; restraining to restrict movement

# Survey

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through binding or tying; enclosing in a confined space, box, or similar cubicle.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

27. § 6.22. Discipline shall not be verbally abusive nor be associated with food, rest/sleep, or toileting.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

28. § 6.23. Staff shall not make threats to or derogatory remarks about any children or their families.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

29. § 6.24. A. 7. Meals and snacks shall meet the nutritional needs of children and shall be equivalent to dietary allowances established by the following recognized authority:

- a. the Child Care Food Program of the U. S. Department of Agriculture which states that other than for infants on formula, the main meal and snacks of the day served at the center shall be attractive in appearance and shall provide 1/3 - 2/3 of the child's daily food needs.  
(Please refer to the complete draft for a specific listing of foods required to be served.)

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

30. § 6.24 A. 8. Children shall not be served junk foods and empty calorie foods as part of a meal or snack such as, but not limited to:

- a. soda water and carbonated drinks
- b. candies - hard sugar, fondants, spun sugar
- c. gum
- d. caramel corn

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

31. § 6.24. A. 9. Potato chips, corn chips, cookies, cake may be served only as a supplement to a nutritionally balanced meal.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

32. § 6.24 B. The center may choose to permit parents to provide any of the following categories of food:

1. special diets
2. infant formulas;
3. baby food;
4. breakfasts;
5. snacks;
6. beverages and foods for celebrations and field trips;
7. mid-day meals for school age children only.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

33. § 6.24. D. If the center permits parents to bring food from home, the center shall have food in stock which shall be offered to children to supplement any meals or snacks brought from home which are observably inadequate in nutrition or quantity, except for special occasions such as birthday parties.

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

34. § 6.34. The following activities and experiences shall be accessible to preschool children on a daily basis:

- A. Creative Expression
- B. Rhythm and Music
- C. Language and Communication Experiences
- D. Sensory Experiences and Nature Exploration
- E. Manipulative and Perceptual Experiences
- F. Home Living
- G. Tactile and Pre-Quantitative Experiences
- H. Fine Motor Activities
- I. Gross Motor Activities.

(Please refer to the complete draft for examples of each type of activity.)

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

35. § 7.1. There shall be at least one staff person on the premises during all hours of operation who has received within the past three years a basic certificate in standard first aid (Multi-Media, Personal Safety or Standard First Aid Modular) through the Red Cross.

Note: Centers that have licenses in effect on ..... (effective date of these standards) shall comply with this standard by ..... (six months after the effective date).

..... Protection	..... Cost	..... Clarity
1. insufficient	1. justified	1. clear meaning
2. sufficient	2. unjustified	2. unclear meaning
3. overly	3. not applicable	

36. § 7.8. The center will notify the parent immediately in the event of a serious accident or injury and will notify the parents of a minor accident or injury at the end of the day. Written documentation of the type of

# Survey

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injury, date, and method of notifying parents shall be kept on file at the center for one year after the injury or accident.

- | ..... Protection | ..... Cost        | ..... Clarity      |
|------------------|-------------------|--------------------|
| 1. insufficient  | 1. justified      | 1. clear meaning   |
| 2. sufficient    | 2. unjustified    | 2. unclear meaning |
| 3. overly        | 3. not applicable |                    |

III. NARRATIVE COMMENTS

**VIRGINIA DEPARTMENT OF SOCIAL SERVICES  
COMMENTS ON PROPOSED REVISIONS TO  
MINIMUM STANDARDS FOR LICENSED CHILD CARE CENTERS  
PUBLIC COMMENT PERIOD DECEMBER 10, 1984, THROUGH FEBRUARY 20, 1985**

**INSTRUCTIONS:** Comments will be sorted and collated using automated word processing equipment. Comments may be made on any standard(s) including both those included in the preceding section as well as any other standards in the complete set of standards.

Please assist in preparing comments for the equipment operator:

1. Put the complete number of the Standard in Column #1.
2. Identify the problem with the Standard in Column #2.
3. Suggest a solution to the problem in Column #3.
4. Fill in all three columns for each comment made. (All three columns need to be filled in for the automated equipment to sort and collate the comments.)
5. Place only one number in column 1 for each comment made. (If the same comment applies to two standards, please list each number and repeat the comment and suggested solution. You may use ditto marks when the same comment and/or solution applies to comments you list consecutively on the form.)
6. Place only one comment and solution by each number. (If you wish to make more than one comment and solution to a single standard, please repeat the number of the standard by each comment.)
7. Write legibly, use only generally accepted abbreviations, and use ink or pencil that makes a dark imprint.
8. The form may be reproduced as necessary if additional space is needed.

Thank you for your interest in child care centers and this revision effort. Comments should be submitted to: Virginia Department of Social Services, Division of Licensing Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699



# Survey

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VIRGINIA DEPARTMENT OF SOCIAL SERVICES  
COMMENTS ON PROPOSED REVISIONS TO  
MINIMUM STANDARDS FOR LICENSED CHILD CARE CENTERS  
PUBLIC COMMENT PERIOD DECEMBER 10, 1984, THROUGH FEBRUARY 20, 1985

COLUMN 1: STANDARD NUMBER	COLUMN 2: DESCRIBE THE PROBLEM WITH THE STANDARD	COLUMN 3: SUGGESTED SOLUTION TO THE PROBLEM

## VIRGINIA WATER AND SEWER ASSISTANCE AUTHORITY

### Title of Regulations: § 672-01-1. Guidelines for Public Participation in the Promulgation of Regulations

Statutory Authority: § 62.1-203 of the Code of Virginia.

#### Summary and Analysis:

This regulation will provide for public input in the formation and adoption of the Authority's regulations. It sets forth the procedures that will be followed by the Authority in its regulatory process and will apply to all regulations, except Emergency Regulations.

### § 672-02-1. Guidelines for Public Participation in the Promulgation of Regulations.

#### § 1. Notification.

The mailing list maintained by the Executive Director will be utilized as deemed appropriate by the Executive Director to notify interested parties by direct mailing of regulatory activities contemplated from time to time by the Authority. Where deemed appropriate by the Executive Director, the Executive Director will also employ notification by publication in newsletters, newspapers, trade and professional publications and/or The Virginia Register.

#### § 2. Solicitation of Public Input

The Executive Director will receive and compile suggestions and comments submitted by interested parties with respect to regulations of the Authority. The Executive Director will also notify interested parties of the Authority's intent to promulgate regulations in order to solicit comments and suggestions in the formation of the proposed regulations. Such notification will be as provided in § 1 of these guidelines.

#### § 3. Formation of Proposed Regulations

The comments and suggestions of interested parties received and compiled by the Executive Director will be considered by the Authority and the Executive Director in the formation of proposed regulations. In addition, the Authority or the Executive Director may form an ad hoc committee of interested parties to assist in the formation of regulations.

#### § 4. Public Hearing

Regulations proposed for adoption by the Authority will be subject of a public hearing conducted by the Executive Director or other authorized representatives of the Authority in order to provide the general public with an opportunity to comment upon the proposed regulations prior to their adoption. Not less than sixty days prior to the public hearing, the proposed regulations and notice of the public hearing will be published in The Virginia Register and as otherwise required by the Administrative

Process Act. Copies of the proposed regulations may also be mailed by the Executive Director in his discretion to interested parties and will be made available at the offices of the Authority for public inspection.

#### § 5. Additional Public Comment

If the Governor suspends the regulatory process with respect to a regulation adopted by the Authority and requires solicitation of additional public comment, the Executive Director will solicit such additional public comment in the manner specified by the Governor or, in the absence of such specification, as the Executive Director deems appropriate.

### Title of Regulations: § 672-02-2. Criterion for Eligibility to Participate in Initial Financing

Statutory Authority: § 62.1-203 of the Code of Virginia.

#### Summary and Analysis:

The proposed regulation establishes the criterion for inclusion of the water and sewer projects of local governments in the initial financing of the Virginia Water and Sewer Assistance Authority.

### § 672-02-2. Criterion for Eligibility to Participate in Initial Financing.

All local governments with an A rating or better by Standard and Poor's Corporation or Moody's Investors Service for their utility systems or general obligations are eligible to participate in the initial financing of the Authority.

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## FINAL REGULATIONS

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No final regulations filed since last issue of The Virginia Register.

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# VIRGINIA TAX BULLETIN

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## VIRGINIA DEPARTMENT OF TAXATION

### Virginia Tax Bulletin

DATE: October 25, 1984

No. 84-22

SUBJECT: State Interest Rate

Under the provisions of § 58-1160 of the Code of Virginia, the interest rate applicable to state tax underpayments and overpayments will be 13 percent per annum effective January 1, 1985.

Interest rates are set semiannually and are effective on January 1 and July 1 of each year.

If you have any questions about this change, please contact the Taxpayer Assistance Section, Office Services Division, P. O. Box 6-L, Richmond, Virginia 23282.

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# GENERAL NOTICES/ERRATA

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## NOTICES OF INTENDED REGULATORY ACTION

### VIRGINIA STATE BOARD OF ACCOUNTANCY

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Accountancy intends to amend regulations entitled: **Rules and Regulations of the Virginia State Board of Accountancy.**

The purpose of the proposed regulations is to conform with the Governor's Regulatory Review Program, by amending, deleting and clarifying regulations to the extent they are least burdensome to those in the profession of certified public accountancy.

Statutory Authority: Chapter 5, (§ 54-84, et seq) of Title 54 of the Code of Virginia.

Written comments may be submitted until January 21, 1985 to Assistant Director, Virginia State Board of Accountancy, 3600 West Broad Street, Richmond, VA 23230.

The Board would like to receive comments on the following issues:

1. To what extent is there documented evidence that the term "public accountant" is or is not linked in the public's mind with the term "certified public accountant"?

2. What protections are afforded the public, if noncertified accountants are allowed to use the term "public accountant," from incompetent persons practicing as public accountants? If none are available, do the noncertified public accounts propose any regulatory changes to address this issue?

CONTACT: Jennifer S. Wester, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

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### VIRGINIA AUCTIONEERS BOARD

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Auctioneers Board intends to amend regulations entitled: **Rules and**

#### Regulations of the Virginia Auctioneers Board.

The Board intends to consider proposals to revise rules and regulations for the Registration program and to consider proposals for certification of auctioneers and reciprocity with other jurisdictions.

Statutory Authority: §§ 54-824.9:2 and 54-824.9:3 of the Code of Virginia.

Written comments may be submitted until March 31, 1985 to Assistant Director, Virginia Auctioneers Board, 3600 West Broad Street, Richmond, Va. 23230.

CONTACT: Jennifer S. Wester, Assistant Director, 3600 West Broad Street, Richmond, Va. 23230, telephone (804) 257-8505, toll free 1-800-552-3016.

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### BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

#### Notice of Intended Regulatory Action

Notice is hereby given that the Board for Commercial Driver Training Schools intends to promulgate regulations entitled: **Commercial Driver Training School Regulations.**

These regulations will be developed to establish entry requirements and standards of practice for tractor-trailer driving schools and instructors - Class A licenses.

Statutory Authority: § 54-145.11 of the Code of Virginia.

Written comments may be submitted until January 1, 1985.

CONTACT: Nancy T. Feldman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8532, toll free 1-800-552-3016.

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### VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Statewide Health Coordinating Council intends to amend regulations entitled: **Amendment No. 4 to the Virginia State Health Plan 1980-84: Magnetic Resonance Imaging; Virginia State Health Plan 1980-84, Volume 1, pp. 528, 533-540, 545, 547-549, and Volume 2, pp. 183-193.**

The purpose of the proposed regulations is to describe and analyze the characteristics of magnetic resonance imaging (MRI) and computed tomography (CT), to set forth long range goals, objectives, and recommend actions for the development of MRI and CT services in Virginia, and to specify criteria and standards for the issuance of Certificates of Public Need for MRI and CT services in Virginia.

Statutory Authority: §§ 32.1-102.3 and 32.1-120 of the Code of Virginia.

Persons wishing to be considered for selection to serve on a technical advisory panel for the revision of this Plan component or persons wishing to receive copies of draft materials prepared by the staff during this revision should provide written notice, indicating the desired form of their participation, to the address shown below. Such notice must be received by December 28, 1984.

The proposed amendment is expected to be a comprehensive revision of the current regulations for MRI services and, if appropriate, a revision of the current regulations for CT services in recognition of the expected preference of MRI over CT for a significant portion of medical conditions that now generate demand for CT services.

CONTACT: John P. English, Health Planning Consultant, 1010 Madison Building, 109 Governor Street, Richmond, Va. 23219, telephone (804) 786-4891.

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**STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board for the Certification of Librarians intends to amend regulations entitled: **State Board for the Certification of Librarians Regulations.**

This action will amend entry requirements, establish fee schedule, define scope of practice, and establish grounds for discipline.

Statutory Authority: Chapters 1.1 and 11 of Title 54, of the Code of Virginia.

Written comments may be submitted until January 1, 1985.

CONTACT: Laster G. Thompson, Jr., Deputy Director of Operations, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8574, toll free 1-800-552-3016.

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**VIRGINIA DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION**

**Notice of Intended Regulatory Action**

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Mental Health and Mental Retardation intends to promulgate regulations entitled: **Policies and Procedures for the Certification of Drug Abuse Division/Education Programs.**

These proposed regulations will set forth minimum criteria for operating first offender drug abuse diversion/education programs.

Statutory Authority: § 18.2-251 of the Code of Virginia. Written comments may be submitted until January 31, 1985.

CONTACT: Frank S. Patterson, Assistant Director for Justice System Services, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1331.

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**DEPARTMENT OF SOCIAL SERVICES**

**Notice of Intended Regulatory Action**

Notice is hereby given that the Department of Social Services intends to amend regulations entitled: **Protective Payments in the Aid to Dependent Children Program (ADC).**

These regulations are being amended to permit a local agency to continue payments, on behalf of the remaining members of the assistance unit, to a parent or other caretaker who fails to comply with certain work or child support requirements if, after all reasonable efforts have been made, the agency is unable to identify a suitable protective payee. The proposed regulation is contained in § 2634 of the Deficit Reduction Act of 1984 (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until December 12, 1984, to: Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699.

CONTACT: Carolyn Ellis, Department of Social Services, 8007 Discovery Drive, Richmond, Va. 23229-8699, telephone (804) 281-9046.

# General Notices/Errata

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## Notice of Intended Regulatory Action

Notice is hereby given that the Department of Social Services intends to amend regulations entitled: **Safeguarding of Information in the Aid to Dependent Children Program (ADC).**

These regulations are being amended to allow disclosure of a recipient's current address to state or local law-enforcement officers if the recipient is a fugitive felon. The officer must provide the recipient's name and social security number, as well as prove that the request is in the line of duty. The proposed regulations are contained in § 2636 of the Deficit Reduction Act of 1984 (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until December 12, 1984, to: Mr. I. Guy Lusk, Director, Division of Benefit Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699

CONTACT: Carolyn Ellis, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

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## VIRGINIA STATE WATER CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Water Control Board intends to amend regulations entitled: **Water Quality Standards to Include a Chlorine Standard.**

The Board intends to establish a Standard which: (i) sets forth an enforceable concentration limit for total residual chlorine in fresh water and chlorine produce oxidant in saline water that will protect aquatic life, and (ii) provides implementation criteria for the concentration limit.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until January 9, 1985.

CONTACT: Alan E. Pollock, Water Control Engineer, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0384.

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## GENERAL NOTICES

## DEPARTMENT OF HEALTH

### Public Notice

Notice is hereby given that the Office of Medical Assistance (Medicaid) is in the process of restructuring the **State Medicaid Plan** in order to conform to the guidelines established for publication of regulations in The Virginia Register. Although the Medicaid Program is not required by statute to conform to all the provisions of the Administrative Process Act (§ 9-6.14:20), it is our intention to keep the public informed of amendments to the **State Medicaid Plan**. Until the State Plan can be restructured, we will publish a summary of all amendments in this section of The Virginia Register. Full copies of the amendments may be obtained from: Office of Medical Assistance, State Department of Health, 8th Floor, James Madison Building, 109 Governor Street, Richmond, Virginia 23219, telephone (804) 786-7933. Please reference the number of the amendment.

### Amendment 84-13:

On July 19, 1984, the Medicaid Program withdrew some restrictive eligibility regulations which had been required by the Tax Equity and Fiscal Responsibility Act (Amendment 84-05). These restrictive regulations were nullified by the federal Deficit Reduction Act of 1984. In order to put back into place regulations which were in effect prior to Amendment 84-05 regarding the deeming of income and resources, Amendment 84-13 is now proposed. Amendment 84-13 also adds the new deeming regulations for the aged, blind and disabled.

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## VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

### Public Notice

Notice is hereby given that the Virginia Statewide Health Coordinating Council is establishing a Notice of Intent List. Through this list the Council will solicit public participation in the drafting of proposed new regulations or proposed changes to existing regulations such as are now contained in its **Virginia State Health Plan** and **State Medical Facilities Plan**.

Each time the Council determines that specific regulations need to be developed or modified, it will so notify all parties on its Notice of Intent List. Those interested in reviewing preliminary drafts of the specified regulations, possibly as members of an ad hoc advisory panel, will be asked to register their interest with the Council. Input from the respondents would then be solicited as draft materials are prepared, thus allowing for public participation prior to the Council's approval of a proposed

specific regulatory text for official public comment and ultimate adoption.

Parties wishing to be placed on the Notice of Intent List should send a written request to John P. English, Health Planning Consultant, 1010 Madison Building, 109 Governor Street, Richmond, Virginia 23219. Telephone inquiries should be directed to Mr. English at (804) 786-4891.

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### NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.



# CALENDAR OF EVENTS

## EXECUTIVE

### VIRGINIA STATE BOARD OF ACCOUNTANCY

**December 11, 1984 - 2 p.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to (i) discuss proposed rules and regulations and (ii) discuss pending litigation.

Note: Since the date and time of this meeting may change, please contact the Board office to confirm your intention to attend.

**Contact:** Jennifer S. Wester, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505

### OVERALL ADVISORY COUNCIL ON THE NEEDS OF HANDICAPPED PERSONS

**December 11, 1984 - 9:30 a.m.** – Open Meeting  
Virginia Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

This will be a business meeting to discuss problems of and programs for Virginians with Disabilities.

**Contact:** Mrs. Doris D. Falconer, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9217, telecommunications number for the deaf (1-800) 552-2131

### VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**December 13, 1984 - 7 p.m.** – Public Hearing  
Loudoun County Office Building, Board of Supervisors Room, Leesburg, Virginia

#### GYPSY MOTH (SCOPING SESSION)

To solicit public comment in identifying major issues and the range of alternatives in the development of a federal, state and local cooperative gypsy moth suppression program in the Short Hill Mountain area of Loudoun County.

Interested parties unable to attend may submit written comments. Comments received by December 20, 1984, will be included in the transcript of the scoping session and addressed in the Environmental Assessment.

**Contact:** Donald H. Kludy, State Entomologist, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3515

**December 19, 1984 - 10 a.m.** – Public Hearing  
1100 Bank Street, Board Room 204, Washington Building, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to adopt regulations entitled: **Declaration of Small Whorled Pogonia as an Endangered Plant Species.** These regulations list small whorled pogonia *Isotria medeoloides*, as an endangered species under the Endangered Plant and Insect Species Act, §§ 3.1-1020 through 3.1-1030 of the Code of Virginia.

#### STATEMENT

The purpose of the proposed regulation is to declare the small whorled pogonia, *Isotria medeoloides*, an endangered plant pursuant to the Virginia Endangered Plant and Insect Species Act (§§ 3.1-1020 to 3.1-1030, of the Code of Virginia). This action is proposed to help protect small whorled pogonia from extinction in Virginia.

Small whorled pogonia is one of the rarest orchids in America. There are only approximately 1,000 plants known to exist in America among ten states from New England to Florida. Of the eleven known naturally occurring populations, two are in Virginia. If adopted, it would be unlawful for any person to dig, otherwise collect, remove, transport or sell small whorled pogonia, except as authorized by the Commissioner of the Virginia Department of Agriculture and Consumer Services.

Small whorled pogonia is also listed as an endangered species under the United States Endangered Species Act.

**Contact:** Raymond D. Vaughan, Secretary, State Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3601

### VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

**December 12, 1984 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Conference Room 1, Richmond, Virginia

The Board will meet to conduct an informal fact-finding proceeding, *APELSCLA v. J. G. Butler, Jr.*

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

#### Architects' Section

**January 4, 1985 - 9 a.m.** – Open Meeting  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia

A meeting to review examinations for June 1984 candidates.

**Contact:** J. Williams, Assistant Director, APELSCLA, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va., telephone (804) 257-8555

## Certified Landscape Architects

**December 12, 1984 - 9 a.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia

A meeting to approve minutes of the March 21, 1984 meeting; review applications; and meet applicants.

**Contact:** J. Williams, Assistant Director, APELSCLA, Department of Commerce, 3600 W. Broad St., 5th Floor, Room 507, Richmond, Va., telephone (804) 257-8506

## VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION

**December 10, 1984 - 9 a.m. – Open Meeting**  
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to receive and discuss reports on activities from the staff members. Other matters are not yet determined.

**Contact:** Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

## VIRGINIA BOARD OF BARBER EXAMINERS

**January 28, 1985 - 9 a.m. – Open Meeting**  
3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia

The Board will meet to review applications for licensure; review investigative reports of complaints and determine disposition; and to consider general correspondence pertinent to the operation of the Board.

**Contact:** Gale G. Moyer, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

**December 14, 1984 - 10 a.m. – Open Meeting**  
Fourth Street Office Building, 205 North Fourth Street, Second Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to consider Uniform Statewide Building

Code interpretation requests continued from Board's meeting of November 16, 1984.

**Contact:** C. Sutton Mullen, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

## VIRGINIA CAVE COMMISSION

**January 5, 1985 - 10:30 a.m. – Open Meeting**  
5300 West Marshall Street, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will hold a regular business session that will consider any matters relating to the protection of caves in Virginia; liaison with emergency rescue agencies concerning cave rescue; management of caves on public lands; and assistance to cave owners or other state agencies to provide maximum protection to this valuable resource.

**Contact:** Roy Powers Jr., Chairman, Rt. 1, Box 153, Duffield, Va. 24244, telephone (703) 523-2400 ext. 261

## VIRGINIA STATE BOARD FOR COMMUNITY COLLEGES

**January 17, 1985 - 9:30 a.m. – Open Meeting**  
101 North 14th Street, Monroe Building, Board Room, 15th Floor, Richmond, Virginia

The Board will meet Wednesday, January 16, 1985, at noon for a working session. State Board Committees (Audit, Facilities, Personnel, Curriculum and Program, Budget and Finance) will meet at 8:30 a.m. at the VCCS office, Monroe Building. No agenda available now.

**Contact:** Mr. Don W. Galbreath or Nancy Finch, 101 N. 14th Street, Monroe Bldg., Richmond, Va., telephone (804) 225-2117

## BOARD OF CONSERVATION AND ECONOMIC DEVELOPMENT

**December 13, 1984 - 10:30 a.m. – Open Meeting**  
1100 Washington Building, Room 1113, Richmond, Virginia. (Location accessible to handicapped.)

The Board will have a regular business meeting to consider any matters that come up relating to the Department and its Divisions of Forestry, Litter Control, Mined Land Reclamation, Mineral Resources, and Parks and Recreation.

The Board will also consider Scenic River status recommendations for portions of the Rappahannock River and the James River east of Richmond and changes to the Reforestation of Timberland regulations. A detailed agenda is not available at this

# Calendar of Events

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time.

**Contact:** Eva Christopher, 1100 Washington Bldg., Capitol Square, Richmond, Va. 23219, telephone (804) 786-2121

## DEPARTMENT OF CORRECTIONS

**February 13, 1985 - 10 a.m.** – Public Hearing  
Department of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Corrections intends to adopt regulations entitled: **Public Participation Guidelines.** This regulation sets forth procedures for Public Participation in the regulatory process for the Department of Corrections.*

### STATEMENT

**Purpose:** *These guidelines establish requirements for increased participation by interested parties in the formation, development and adoption of regulations that the Board of Corrections or the Director of Corrections is required to promulgate by state law. This regulation is needed to respond to public comments that are before the Governor's Regulatory Review Advisory Board for more involvement in all stages of the regulatory process which resulted in changes in the Code of Virginia. Without this regulation, the public may not be provided adequate notice and input opportunity into the regulatory process as outlined in the Code.*

### Estimated Impact:

- 1. The Department of Corrections is the only entity affected by this regulation.*
- 2. There will be no cost to other entities or the public for implementations and compliance with this regulation.*
- 3. The projected cost to the Department for implementation and enforcement of this regulation is \$5,000 consisting of publication costs and partial salary and benefits for the Agency Regulatory Coordinator.*
- 4. General funds will be used for the implementation and enforcement of this regulation.*

Statutory Authority: §§ 9-6.14:7, 53.1-5 and 53.1-10 of the Code of Virginia.

Written comments may be submitted until February 1, 1985.

**Contact:** Robert E. Cousins, Agency Regulatory Coordinator, 4615 W. Broad St., P. O. Box 23693, Richmond, Va. 23261, telephone (804) 257-1943

## THE VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**December 12, 1984 - 9 a.m.** – Open Meeting  
**December 13, 1984 - 9 a.m.** – Open Meeting  
**December 14, 1984 - 9 a.m.** – Open Meeting  
Holiday Inn, 3200 West Broad Street, Richmond, Virginia

A general Board meeting and disciplinary hearings.  
**Contact:** Mark L. Forberg, Executive Secretary, Department of Health Regulatory Boards, Board of Funeral Directors and Embalmers, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0015.

## DEPARTMENT OF GENERAL SERVICES

### State Insurance Advisory Board

**December 13, 1984 - 9:30 a.m.** – Open Meeting  
College of William and Mary, Campus Center, Room C, Williamsburg, Virginia

The State Insurance Advisory Board will hold a meeting for the review of Risk Management Program progress and the finalization of legislative report.  
**Contact:** Charles F. Scott, Director of Risk Management, Department of General Services, 805 E. Broad St., Room 117, Richmond, Va. 23219, telephone (804) 786-5968

### Division of Consolidated Laboratory Services Advisory Board

**February 8, 1985 - 9:30 a.m.** – Open Meeting  
James Monroe Building, 1 North 14th Street, Conference Room B, Richmond, Virginia

The Advisory Board will meet to lend guidance and support to programs and issues confronting the Division of Consolidated Laboratory Services.  
**Contact:** Susan Wells, Department of General Services, Division of Consolidated Laboratory Services, 1 N. 14th St., Richmond, Va. 23219, telephone (804) 786-7905

## HAZARDOUS WASTE FACILITY SITING BOARD

**December 19, 1984 - 11 a.m.** – Open Meeting  
Northern Virginia Community College, Manassas Campus, Manassas, Virginia

The Board will continue preparation of a draft document on hazardous waste facility siting criteria.  
**Contact:** Barbara M. Wrenn, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

**January 16, 1985 - 10 a.m. – Public Hearing**  
Henrico County Government Center, Board Room, Parham Road, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Hazardous Waste Facility Siting Board intends to adopt regulations entitled: **Public Participation Procedures for Formation and Promulgation of Regulations.**

## STATEMENT

**Subject and Substance:** Proposed public participation procedures to be used by the Hazardous Waste Facility Siting Board in the initiation, development and adoption of all required regulations to be promulgated by the Board; proposed interim public participation procedures to be used by the Hazardous Waste Facility Siting Board in the site certification process.

**Issues:** 1. *Estimated Impact with Respect to Number of Persons Affected:* The proposed procedures will provide a means for all persons affected by or interested in the regulations of the Board to participate in the rule-making process.

2. *Projected Costs for Implementation and Compliance:* The estimated cost for 1984-85 fiscal year is minimal, not expected to exceed \$500.00.

**Basis:** Compliance with the Administrative Process Act of the Code of Virginia.

**Purpose:** To solicit the involvement of interested parties in the initiation, preparation and promulgation of regulations required of the Board, including hazardous waste facility siting criteria and regulations for approval of hazardous waste facility siting criteria and regulations for approval of hazardous waste facility; to provide for public notification and participation in the siting process.

Written comments may be submitted until January 16, 1985.

**Contact:** Barbara M. Wrenn, Executive Director, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

## HEALTH REGULATORY BOARDS, VIRGINIA COMMISSION

**January 15, 1985 - Noon – Open Meeting**  
The Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia

The Commission will hold a quarterly general business meeting.

**Contact:** H. Bryan Tomlinson, II, 517 W. Grace St., P. O. Box 27708, Richmond, Va., telephone (804) 786-0801

**February 7, 1985 - 10 a.m. – Public Hearing**  
Virginia Commission of Health Regulatory Boards, 517

West Grace Street, Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Health Regulatory Boards, Virginia Commission intends to adopt regulations entitled: **Public Participation Guidelines.** The proposed guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.

## STATEMENT

**Subject and Substance:** Public Participation Guidelines proposed for adoption by the Virginia Commission of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Commission may promulgate. The Guidelines are required by state law.

**Issues:** 1. *Estimated Impact with Respect to Number of Persons Affected –* The Guidelines will provide a mechanism for all persons affected by regulations of the Commission to participate in their development, formation and adoption.

2. *Projected Costs for Implementation and Compliance –* The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.

**Basis:** § 9-6.14:7.1 of the Code of Virginia.

**Purpose:** To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of information proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Commission of Health Regulatory Boards.

Statutory Authority: § 54-955.1.J of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m. March 11, 1985.

**Contact:** Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., P. O. Box 27708, Richmond,

# Calendar of Events

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Va. 23261, telephone (804) 786-0822

## VIRGINIA DEPARTMENT OF HEALTH REGULATORY BOARDS

### Virginia Substance Abuse Certification Committee

**December 12, 1984 - 9 a.m. – Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace  
Street, Richmond, Virginia

The Committee will conduct a general business meeting; review applications for licensure; supervision status; trainee status; regulatory review; and respond to Committee correspondence.

**Contact:** Gerald W. Morgan, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7702

**February 7, 1985 - 10 a.m. – Public Hearing**  
Virginia Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Health Regulatory Boards intends to adopt regulations entitled: **Public Participation Guidelines**. The guidelines establish procedures for the identification and notification of that segment of the public interested in the regulation of health professions and occupations in Virginia.*

### STATEMENT

**Subject and Substance:** *Public Participation Guidelines proposed for adoption by the Virginia Department of Health Regulatory Boards provide the mechanism for identifying and notifying the relevant public of the formulation, development and adoption of regulations that the Department may promulgate. The Guidelines are required by state law.*

**Issues:** *1. Estimated Impact with Respect to Number of Persons Affected – The Guidelines will provide a mechanism for all persons affected by regulations of the Department to participate in their development, formation and adoption.*

*2. Projected Costs for Implementation and Compliance – The proposed guidelines codify existing procedures for identifying and notifying the relevant public of meetings and proposed actions of the Commission and Department of Health Regulatory Boards, thus no material increase in costs to the agency is anticipated. Additionally, no increase in costs to those affected is anticipated. Participation of the relevant public is voluntary.*

**Basis:** § 9-6.14:7.1 of the Code of Virginia.

**Purpose:** *To identify and solicit the participation of the affected public in the formation of regulations prior to and during the drafting, formation, revision, adoption and promulgation phases. The guidelines establish mechanisms whereby affected parties may be placed on or deleted from mailing lists used for mailing notices of intent to promulgate regulations, notices of public hearings or notices of informational proceedings, and notices of final regulations adopted. The guidelines also establish mechanism for periodic review of existing regulations, for petitions for rulemaking by the public, for notification of the public regarding any meetings at which rulemaking is a subject, and for the establishment of advisory committees to provide for citizen participation by the Department of Health Regulatory Boards.*

Statutory Authority: § 54-955.K of the Code of Virginia.

Written comments may be submitted no later than 5:00 p.m. March 11, 1985.

**Contact:** Richard D. Morrison, Policy Analyst, Virginia Department and Commission of Health Regulatory Boards, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0822

## VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

**December 19, 1984 - 9:30 a.m. – Open Meeting**  
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

**January 23, 1985 - 9:30 a.m.**  
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

**Contact:** Sheryl R. Paul, Director, 805 E. Broad St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-6371

## VIRGINIA BOARD OF HEARING AID DEALERS AND FITTERS

**January 7, 1985 - 9 a.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to review complaints; discussion of Public Information Article; administer examinations; and to report on meeting in St. Louis, Missouri.

**Contact:** Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

Higher Education, James Monroe Building, 101 N. Fourteenth St., Richmond, Va. 23219, telephone (804) 225-2629

## COUNCIL OF HIGHER EDUCATION

**December 17, 1984 - 10 a.m. – Public Hearing**  
James Monroe Building, Council of Higher Education Conference Room, 9th Floor, 101 North Fourteenth Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Council of Higher Education for Virginia intends to adopt regulations entitled: **Guidelines for Public Participation in the Development and Promulgation of Regulations.***

## STATEMENT

**Basis:** *These regulations are issued under authority granted to all state agencies by § 9-6.14:7.1 of the Code of Virginia.*

**Purpose:** *These regulations prescribe the process for soliciting comments from interested parties in the formation, development, and adoption of all regulations proposed by the Council of Higher Education.*

**Issues:** *The 1984 General Assembly amended the Administrative Process Act to provide for the participation of the citizens of Virginia in the formation, development, and adoption of all regulations proposed by state agencies. The law stipulates that the "guidelines shall set out specific means of seeking input from interested parties or groups, and whenever appropriate, may provide for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency."*

**Substance:** *The proposed guidelines provide that, as a general rule, the Council will notify and seek comments from the president or chancellor of each state-supported college and university whenever regulations are to be developed. The president or chancellor of each independent college and university will be notified and invited to participate in the process whenever any proposed regulations, especially those pertaining to the Tuition Assistance Grant program, might directly or indirectly affect their institutions. In addition, the Council will notify and seek comments from all persons whose names are included on the Council's mailing list. The proposed guidelines also specify that the necessary regulatory documents will be filed with the Registrar of Regulations and that the required public hearing will be held prior to final adoption of any regulations.*

Written comments may be submitted until December 21, 1984.

**Contact:** Barry M. Dorsey, Associate Director, Council of

## STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**December 13, 1984 - 1 p.m. – Conference**  
**December 14, 1984 - 9 a.m. – Conference**  
Marriott Hotel, Richmond, Virginia

The conference is entitled "The Place of the Liberal Arts and Sciences in the Curriculum, A Renewed Commitment." The public and private colleges in the Commonwealth will participate.

**Contact:** David Potter, Council of Higher Education, 101 North 14th St., Richmond, Va. 23219, telephone (804) 225-2613

## DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

**December 20, 1984 - 10 a.m. – Open Meeting**  
Virginia Department of Highways and Transportation, 1221 East Broad Street, Commission Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highway and Transportation Commission to vote on proposals presented regarding bids, permits, additions and deletions to highway system, and any other matters requiring Commission approval.

**Contact:** J. T. Warren, Director of Administration, Department of Highways and Transportation, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

## THE VIRGINIA HISTORIC LANDMARKS COMMISSION

**December 11, 1984 - 10 a.m. – Open Meeting**  
221 Governor Street, Richmond, Virginia

The Commission will meet to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places. The meeting is open to the public.  
Blackwater Aqueduct, Lynchburg  
Hills Farm, Accomack County  
Intervale, Augusta County  
Major David Graham House, Wythe County  
Upstream portions of lower basin and Ninth Street Bridge, Lynchburg  
Water-works Dam (Scots Mill Dam) and Guard locks and James River Dam, Lynchburg  
Augusta County Public Schools Thematic Nomination:

# Calendar of Events

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Kiddsville Colored Schoolhouse  
Verona School  
Walker's Creek Schoolhouse  
Westview Schoolhouse  
Glebe Schoolhouse  
North River High School and Elementary School  
Mt. Zion Schoolhouse  
Craigsville School  
Mount Sidney School  
Weyers Cave Elementary School  
Middlebrook High School  
Middlebrook Grade School  
Augusta County Training School - Cedar Green  
New Hope High School, New Hope Elementary School  
Deerfield School  
Crimora Elementary School  
Moffett's Creek Schoolhouse  
Mount Meridian Schoolhouse  
Estaline Schoolhouse

**Contact:** Margaret T. Peters, Information Officer, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

**December 17, 1984 - 10 a.m. – Public Hearing**

State Capitol, House Room 4, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Housing and Community Development intends to adopt regulations entitled: 1984 Edition, Public Participation Guidelines.*

### STATEMENT

Subject and Substance: *Proposed adoption by the Board of Housing and Community Development of Public Participation Guidelines to be used in the formation, development and adoption of all regulations that the Board is required to promulgate by state law.*

Issues: *1. Estimated Impact with Respect to Number of Persons Affected:*

*The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation and adoption.*

*2. Projected Costs for Implementation and Compliance:*

*No material increase in costs to the agency are anticipated. The proposed guidelines reflect procedures that have been in general use for a number of years. Similarly, no increase in costs to those affected is anticipated; and in any case, their participation is voluntary.*

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: *To solicit the input of interested parties in the formation and development of its regulations prior to and during the entire drafting, formation, promulgation and final adoption process. The guidelines set out methods for the identification and notification of interested persons and groups, specific means of seeking input therefrom, and whenever appropriate, provide for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency.*

Prefiled written comments received by December 17, 1984 will be considered.

**Contact:** C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4751

**December 17, 1984 - 1 p.m. – Open Meeting**

State Capitol Building, House Room 4, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Board's regular formal business meeting to review and approve the minutes from the prior meeting; to provide an opportunity for public comments; to review the report of the Director on the operation of the Department of Housing and Community Development since the last Board meeting; to hear reports of the Committees of the Board; and to consider other matters as they may deem necessary. The planned agenda of the meeting will be available at 205 North Fourth St., 7th Floor, Richmond, Va. 23219, one week prior to the date of the meeting.

**Contact:** Neal J. Barber, 205 N. 4th St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-5381

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**December 17, 1984 - 10 a.m. – Public Hearing**

State Capitol, House Room 4, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Housing and Community Development intends to adopt regulations entitled: 1984 Edition, Public Participation Guidelines.*

### STATEMENT

Subject and Substance: *Proposed adoption by the Director of the Department of Housing and Community Development of Public Participation Guidelines to be used in the formation, development and adoption of all regulations that the director is required to promulgate by state law.*

Issues: *1. Estimated Impact with Respect to Number of Persons Affected:*

The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation and adoption.

2. Projected Cost for Implementation and Compliance:

No material increase in costs to the agency are anticipated. The proposed guidelines reflect procedures that have been in general use for a number of years. Similarly, no increase in costs to those affected is anticipated; and in any case, their participation is voluntary.

Basis: § 9-6.14:7.1 of the Code of Virginia.

Purpose: To solicit the input of interested parties in the formation and development of its regulation prior to and during the entire drafting, formation, promulgation and final adoption process. The guidelines set out methods for the identification and notification of interested persons and groups, specific means of seeking input therefrom, and whenever appropriate, provide for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency.

Prefiled written comments received by December 17, 1984 will be considered.

Contact: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4751

**VIRGINIA HOUSING DEVELOPMENT AUTHORITY**

*Note: The Virginia Housing Development Authority is exempted from the Administrative Process Act, (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.*

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income.**

The amendment modifies the provisions in its Procedures, Instructions and Guidelines as to the calculation of the loan amount and the private mortgage insurance coverage for single-family loans.

**STATEMENT**

Purpose: To modify and establish the maximum principal amount of single-family mortgage loans and to clarify the amount of private mortgage insurance coverage required by the Authority for its single-family mortgage loans.

Basis: Rule 103 of the Rules and Regulations of the Authority adopted pursuant to § 36-55.30:3 of the Code of

Virginia.

Subject, Substance and Issues: Under the current provisions of the Authority's Procedures, Instructions and Guidelines for Single-Family Mortgage Loans to Persons and Families of Low and Moderate Income, the principal amount of a mortgage loan for the acquisition and ownership of a single-family home may not exceed 98% of the first \$25,000 and 95% of the excess over \$25,000 of the sales price or appraised value, whichever is lesser. The proposed regulation would provide that the principal amount may not exceed 95% of the lesser of the sales price or appraised value, except as may otherwise be approved by the Authority. The reason for this change is that private mortgage insurance companies will no longer insure any mortgage loan in excess of 95% of the lesser of the sales price or appraised value of the residence. The Authority presently requires private mortgage insurance on all of its loans which have a loan-to-value ratio in excess of 80%.

The Authority's Procedures, Instructions and Guidelines described above currently provide that the borrower is required to provide at least 25% coverage by private mortgage insurance. The proposed regulation would require coverage of 25% to 100%, as the Authority shall determine. In recent years, the Authority has required 25% private mortgage insurance coverage. However, mortgage issue must be subject to 100% coverage. The purpose of this amendment is to clarify that the Authority will require for these mortgage loans, and may continue to require for other mortgage loans in the future, 100% private mortgage insurance coverage.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until December 17, 1984.

Contact: Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to adopt regulations entitled: **Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program.** The Procedures, Instructions and Guidelines set forth the requirements for administration of federal grant program for rehabilitation of rental housing.

**STATEMENT**

Purpose: To establish procedures, instructions and guidelines for the implementation and administration of the Virginia Rental Rehabilitation Program.

Basis: Rule 103 of the Rules and Regulations of the Authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.



# Calendar of Events

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**Subject, Substance and Issues:** *The proposed Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program set forth the requirements and procedures relating to grants made by the Authority to units of local governments with funds allocated to the Authority by the U. S. Department of Housing and Urban Development for the purpose of carrying out local rental rehabilitation programs for the benefit of lower income families and persons. These Procedures, Instructions and Guidelines supplement and clarify the federal program requirements contained in 24 CFR Part 511. Matters addressed by these Procedures, Instructions and Guidelines include eligibility criteria, the manner and procedure for allocation of grant funds, programmatic requirements, grant administration, allocations and administration of rental subsidy, and performance review and evaluation.*

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until December 17, 1984.

**Contact:** Barry Merchant, Research Analyst, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## Board of Commissioners

**December 18, 1984 - 10 a.m. – Open Meeting**  
13 South 13th Street, Richmond, Virginia. (Location accessible to handicapped.)

This will be the regular monthly meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board of Commissioners will review and, if appropriate, approve the minutes from the prior monthly meeting; will consider for approval and ratification mortgage loan commitments under its various programs; will review the Authority's operations for the prior month; will consider the adoption of Amendment to Procedures, Instructions and Guidelines for Single Family Mortgage Loans to Persons and Families of Low and Moderate Income and the adoption of Procedures, Instructions and Guidelines for Virginia Rental Rehabilitation Program; and will consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

**Contact:** Judson McKellar, General Counsel, 13 South 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## STATE HUMAN RIGHTS COMMITTEE

**December 14, 1984 - 10 a.m. – Open Meeting**  
James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia. (Location accessible to handicapped.)

Regular meeting to discuss various items brought to the attention of the Committee. Agenda items are listed prior to meeting.

**Contact:** Gloria DeCuir, A.C.S.W., State Human Rights Director, P. O. Box 1798, Richmond, Va. 23214, telephone (804) 786-3988

## STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

**January 16, 1985 - 10:30 a.m. – Open Meeting**  
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet for regulatory review; review of applications for examination; and discussion of continuing education.

**Contact:** Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

## STATE BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

**December 12, 1984 - 10 a.m. – Open Meeting**  
DeJarnette Center, Conference Room, Perry Building, Staunton, Virginia. (Location accessible to handicapped.)

The Board will hold a regular monthly meeting. The agenda will be published December 5 and can be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, State Mental Health and Mental Retardation Board, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## STATE MILK COMMISSION

**December 19, 1984 - 10 a.m. – Open Meeting**  
Ninth Street Office Building, Room 1015, Ninth and Grace Streets, Richmond, Virginia

A routine monthly meeting.

**Contact:** C. H. Coleman, Administrator, 1015 Ninth St. Office Bldg., Richmond, Va. 23219, telephone (804) 786-2013

## VIRGINIA STATE BOARD OF NURSING

**January 28, 1985 - 1:30 p.m. – Public Hearing**  
Holiday Inn, I-64 and Broad Street, Richmond, Virginia  
*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to adopt regulations entitled:*

## Section IX Public Participation Guidelines.

### STATEMENT

**Subject and Substance:** *Proposed adoption by the Virginia State Board of Nursing of Public Participation Guidelines to be used to solicit participation by interested parties in the formulation, development and adoption of Regulations that the Board may promulgate as required by state law.*

**Issues:** *1. Estimated Impact with Respect to Number of Persons Affected: The guidelines will provide a means for all persons affected by regulations of the agency to participate in their development, formulation and adoption.*

*2. Projected Cost for Implementation and Compliance: No material increase in costs to the agency is anticipated. The proposed guidelines reflect procedures that have been in general use for a number of years. Similarly, no increase in costs to those affected is anticipated; and in any case, their participation is voluntary.*

**Basis:** § 9-6.14:7.1 of the Code of Virginia.

**Purpose:** *To solicit participation of interested parties in the formation of regulations prior to and during the entire drafting, formation, promulgation and final adoption process. The guidelines set out methods for the identification and notification of interested persons and groups, specific means of seeking their participation, and when appropriate, provide for the use of advisory committees and consultation with groups and individuals registering interest in working with the agency.*

Written comments may be submitted until January 28, 1985.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, P. O. Box 27708, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0377

**January 29, 1985 - 9 a.m. - Open Meeting**

**January 30, 1985 - 9 a.m. - Open Meeting**

Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the Board to consider matters related to Nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under jurisdiction of the Board.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

### STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

**December 20, 1984 - 9 a.m. - Open Meeting**

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to administer examinations; review complaints; report on NAB Education - Examination Committee meeting in San Francisco, Ca.; discuss Administrator-in-Training program; and review applications.

**Contact:** Edna S. Anthony, Acting Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

### VIRGINIA OUTDOORS FOUNDATION

**December 11, 1984 - 10:30 a.m. - Open Meeting**  
State Capitol, House Room 1, Richmond, Virginia.  
(Location accessible to handicapped.)

A meeting to accept proposed conservation easements and other donations to the Virginia Outdoors Foundation.

**Contact:** Tyson B. VanAuken, 221 Governor St., Richmond, Va., telephone (804) 786-5539

### STATE BOARD OF PHARMACY

**December 13, 1984 - 9 a.m. - Open Meeting**  
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.  
(Location accessible to handicapped.)

A routine business meeting of the Board, reinstatement hearings, per diem payment policy and other general business.

**Contact:** J. B. Carson, Executive Director, 517 W. Grace St., P. O. Box 27708, Richmond, Va., telephone (804) 786-0182

### COMMISSIONERS TO EXAMINE PILOTS

**December 12, 1984 - 11 a.m. - Open Meeting**  
3329 Shore Drive, Virginia Beach, Virginia

The Board will meet to issue 1985 licenses, receive reports of any incidents, and conduct general business.

**Contact:** William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

### INTERDEPARTMENTAL COMMITTEE ON RATE-SETTING FOR CHILDREN'S FACILITIES

**December 11, 1984 - 10 a.m. - Open Meeting**  
Blair Building, Koger Executive Center, Conference Rooms A and B, Richmond, Virginia. (Location accessible to

# Calendar of Events

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handicapped; interpreter for deaf provided if requested.)

A meeting to take final action on the Prospective Rules of the Interdepartmental Committee on Rate-Setting for Children's Facilities as related to the Code of Virginia, § 2.1-703.

Contact: Mr. Thomas W. Riddick, 307 Worthington Square, Portsmouth, Va. 23704, telephone (804) 397-4500

## VIRGINIA REAL ESTATE COMMISSION

December 18, 1984 - 10 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Conference Room 1, Richmond, Virginia

The Commission will meet to conduct a formal fact-finding proceeding, Virginia Real Estate Commission v. E. F. Rodgers, Jr.

January 8, 1984 - 10 a.m. - Open Meeting  
Department of Commerce, 3600 West Broad Street,  
Conference Room 1, Richmond, Virginia

An administrative hearing regarding Virginia Real Estate Commission v. William C. Sprouse, Sr. This matter is continued from October 24, 1984.

Contact: Sylvia W. Bryant, Hearings Coordinator,  
Department of Commerce, 3600 W. Broad St.,  
Richmond, Va. 23230, telephone (804) 257-8524

## DEPARTMENT OF SOCIAL SERVICES

### Division of Licensing Programs

February 13, 1985 - 9 a.m. - Public Hearing  
Appalachian Power Company Auditorium, Roanoke,  
Virginia

February 20, 1985 - 9 a.m. - Public Hearing  
Henrico Government Center, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Licensing Programs, intends to adopt regulations entitled: Minimum Standards for Licensed Child Care Centers. The proposed regulations set standards to provide children in child care centers with at least a minimal level of care.*

### STATEMENT

Subject: *Proposed revisions to the Minimum Standards for Licensed Child Care Centers. These standards are being proposed for a 60-day period of public comment.*

Substance: *Under the current definition and exemptions in*

*the Code of Virginia, any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians for part of the day must have a child care center license.*

Issues: *The document is comprised of the following issues which impact child care centers subject to licensure by the Department of Social Services:*

*Administration, personnel, supervision, physical environment, emergency, and programs and services which includes administration policies, health care, management of behavior, nutrition and food service and activities.*

Basis: *Chapter 10, (§ 63.1-219) of Title 63.1, of the Code of Virginia, provides the statutory basis for promulgation of child care center standards. The State Board has approved proposed revisions for a 60-day public comment period.*

Purpose: *The proposed revisions are designed to better meet the needs of children in group care in a flexible enough manner to accommodate changes during the lifetime of these standards and to provide the protective oversight of children. The document has been revised with an emphasis on clarity and ease of comprehension.*

Statutory Authority: § 63.1-219 of the Code of Virginia.

Written comments may be submitted to Meredyth P. Partridge.

Contact: Mrs. Meredyth P. Partridge, Standards Supervisor, Standards/Policy Unit, Department of Social Services, Division of Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9025, (toll free number 1-800-552-7091).

## STATE BOARD OF SOCIAL SERVICES

December 19, 1984 - 2 p.m. - Open Meeting  
December 20, 1984 - 9 a.m. - Open Meeting  
Department of Social Services, 8007 Discovery Drive,  
Richmond, Virginia

The Board will hold a work session and formal business meeting.

Contact: Phyllis Sisk, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9236

## SOLID WASTE COMMISSION

December 12, 1984 - 10:30 a.m. - Open Meeting  
State Capitol, House Room 1, Richmond, Virginia

A meeting for the preparation of the Annual Report; and to review the Southeast Compact Commission's December 7th meeting.

**Contact:** Barbara M. Wrenn, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

## VIRGINIA SUBSTANCE ABUSE CERTIFICATION COMMITTEE

**December 11, 1984 - 10 a.m. – Open Meeting**  
Department of Health Regulatory Boards, 517 West Grace Street, Richmond, Virginia

A Committee meeting to conduct general business; review applications for certification; supervision status; trainee status; regulatory review and to respond to Committee correspondence.

**Contact:** Geralde W. Morgan, 517 W. Grace St., Richmond, Va., telephone (804) 786-7702

## VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

**January 9, 1985 - 11 a.m. – Open Meeting**  
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly Board meeting to review policy and procedures of the Virginia Department for the Visually Handicapped; and the board will review and approve the Department's Budget, Executive Agreement, and Operating Plan.

**Contact:** Wanda D. Tompson, Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

## VIRGINIA WATER AND SEWER ASSISTANCE AUTHORITY

**February 8, 1985 - 10 a.m. – Public Hearing**  
State Water Control Board, Board Room, 2107 North Hamilton Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Water and Sewer Assistance Authority intends to adopt regulations entitled: Guidelines for Public Participation in the Promulgation of Regulations. The proposed regulation establishes guidelines and procedures to be followed by the Authority to elicit public comment on proposed regulations.*

### STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose:  
*In order to elicit public input in the formation,*

*promulgation and adoption of its regulations, the Virginia Water and Sewer Assistance Authority proposes to adopt guidelines for public participation in the promulgation of regulations. These guidelines set forth procedures to be followed by the Authority in its regulatory process and will apply to all regulations of the Authority except emergency regulations.*

Statutory Authority: § 62.1-203 of the Code of Virginia.

Written comments may be submitted until February 7, 1985.

**Contact:** Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

**February 8, 1985 - 10 a.m. – Public Hearing**  
State Water Control Board, Board Room, 2107 North Hamilton Street, Richmond, Virginia

*Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Water and Sewer Assistance Authority intends to adopt regulations entitled: Criterion for Eligibility to Participate in Initial Financing. The proposed regulation establishes the criterion for eligibility of local governments to participate in the initial financing of the Authority to fund local governmental water and sewer projects.*

### STATEMENT

Subject, Substance, Issues, Basis and Purpose: *Virginia Water and Sewer Assistance Authority intends to issue an initial series of its bonds to finance water and sewer projects of local governments. The initial issuance is expected to finance projects of local governments whose credit ratings are sufficient to enable the Authority more readily to establish a market presence and acceptability at a financing cost acceptable to the Authority. Having thus issued bonds, the Authority will then be able to finance projects of local governments requiring an existing ability on the part of the Authority to issue its bonds. The proposed regulation establishes the eligibility criterion for local governments whose water and sewer projects will be financed by the Authority's initial issuance of bonds and requires only that the local government have a A rating or better from either Standard & Poor's Corporation or Moody's Investors Service for its utility systems or its general obligation indebtedness.*

Statutory Authority: § 62.1-203 of the Code of Virginia.

Written comments may be submitted until February 7, 1985.

**Contact:** Shockley D. Gardner, Jr., Executive Director, P. O. Box 1300, Richmond, Va. 23210, telephone (804) 788-8174

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## LEGISLATIVE

### HOUSE AGRICULTURE SUBCOMMITTEE STUDYING AGRICULTURE COMMODITY COMMISSIONS

**December 13, 1984 - 10 a.m. - Open Meeting**  
General Assembly Building, 6th Floor Conference Room,  
Richmond, Virginia

Working session of the House Agriculture Subcommittee studying House Bill 895 (carryover bill).  
**Contact: #B Anne R. Howard, House of Delegates Committee Clerk's Office, Richmond, Va., telephone (804) 786-7881**

### JOINT LEGISLATIVE AUDIT & REVIEW COMMISSION

**December 10, 1984 - 9:30 a.m. - Open Meeting**  
**December 10, 1984 - 1:30 p.m. - Public Hearing**  
General Assembly Building, House Room D, Richmond, Virginia

**MEETING:** Local fiscal stress, status of towns and other business.  
**PUBLIC HEARING:** Public comments regarding quality of education in mental health and mental retardation facilities. Additional information may be obtained from: Maryann Craven, 910 Capitol St., Suite 1100, Richmond, Va. 23219, telephone (804) 786-1258.  
**Contact:** Shephard Zeldin, 910 Capitol St., Suite 1100, Richmond, Va. 23219, telephone (804) 786-1258

### COAL AND ENERGY COMMISSION

#### (SUBCOMMITTEE)

**December 17, 1984 - 2 p.m. - Open Meeting**  
General Assembly Building, House Room C, Richmond, Virginia

To hear Uranium Subcommittee recommendations for legislation.  
**Contact:** Mike Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

### HOUSE COMMITTEE FOR COURTS OF JUSTICE SUBCOMMITTEE STUDYING COAL SLURRY LEGISLATION

**December 11, 1984 - 10:30 a.m. - Open Meeting**

General Assembly Building, House Room D, Richmond, Virginia

This subcommittee will study coal slurry legislation carried over to the 1985 session in the House Courts of Justice Committee. (HB 479)  
**Contact:** Anne R. Howard, House of Delegates Committee Clerk's Office, Richmond, Va., telephone (804) 786-7681

### SENATE COMMITTEE FOR COURTS OF JUSTICE

**January 9, 1984 - 2 p.m. - Open Meeting**  
General Assembly Building, Senate Room A, Richmond, Virginia

A regular meeting regarding continued legislation.  
**Contact:** Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

### HOUSE APPROPRIATIONS COMMITTEE AND SENATE FINANCE COMMITTEE, AND HOUSE FINANCE COMMITTEE (JOINT MEETING)

**December 17, 1984 - 9:30 a.m. - Open Meeting**  
General Assembly Building, House Room D, Richmond, Virginia

Joint monthly meeting of House Appropriations Committee and Senate Finance Committee.  
**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, 9th & Broad St., Richmond, Va. 23219, telephone (804) 786-1837

### HOUSE OF DELEGATES PRIVILEGES AND ELECTIONS COMMITTEE

**December 10, 1984 - 2 p.m. - Open Meeting**  
General Assembly Building, House Room C, Richmond, Virginia

The Privileges and Elections Committee will review all carryover legislation and receive the report of the Subcommittee Studying Selection of School Board Members, (HR 12). Additional information may be obtained from: Dr. R. J. Austin, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591  
**Contact:** Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681

**HOUSE OF DELEGATES HEALTH, WELFARE AND INSTITUTIONS COMMITTEE AND SENATE REHABILITATION AND SOCIAL SERVICES COMMITTEE**

**December 13, 1984 - 10 a.m.**

General Assembly Building, House Room D, Richmond, Virginia

The Joint Committee meeting has been scheduled to receive the report of the Mecklenburg Correctional Center Study Committee and the Chairman of the Board of Corrections. Additional information may be obtained from: Susan Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

**Contact:** Anne R. Howard, House of Delegates Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681

**HUNGER AND MALNUTRITION IN THE COMMONWEALTH (JOINT SUBCOMMITTEE)**

**December 13, 1984 - 10 a.m. - Open Meeting**

General Assembly Building, Senate Room B, Richmond, Virginia

A meeting regarding Hunger and Malnutrition in the Commonwealth, (SJR 50).

**Contact:** Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

**COMMISSION OF THE INDUSTRIAL DEVELOPMENT AND REVENUE BOND STUDY**

**December 19, 1984 - 10 a.m. - Open Meeting**

General Assembly Building, House Appropriations Hearing Room, 9th Floor, Richmond, Virginia

A meeting to consider proposed legislation of allocation of bonds (in 1985). (HJR 11)

**Contact:** C. M. Conner, Jr., Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

**JLARC REPORT ON HIGHWAY FUNDING**

**(JOINT SUBCOMMITTEE)**

**December 18, 1984 - 10 a.m. - Public Hearing**

General Assembly Building, Senate Room B, Richmond, Virginia

A Public Hearing regarding JLARC'S Report of Highway Funding (SJR 20). Additional information may be obtained from: Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638.

**Contact:** Dr. Alan Wambold, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

**December 19, 1984 - 10 a.m. - Open Meeting**

General Assembly Building, Senate Room B, Richmond, Virginia

A Work Session regarding SJR 20.

**Contact:** Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

**SENATE COMMITTEE ON REHABILITATION AND SOCIAL SERVICES**

**December 13, 1984 - 2 p.m. - Open Meeting**

General Assembly Building, Senate Room A, Richmond, Virginia

The Committee will take up House Bill 817 (Carried Over) establishing The Virginians with Disabilities Act.

**Contact:** Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

**SENATE COMMITTEE ON REHABILITATION AND SOCIAL SERVICES AND HOUSE OF DELEGATES COMMITTEE ON HEALTH, WELFARE AND INSTITUTIONS (JOINT MEETING)**

**December 13, 1984 - 10 a.m. - Open Meeting**

General Assembly Building, House Room D, Richmond, Virginia

To consider a report on the Mecklenburg Correctional Center.

**Contact:** Robert F. Douth, Deputy Clerk of the Senate, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-4638

**ROLLING STOCK TAX (JOINT SUBCOMMITTEE)**

**December 12, 1984 - 2 p.m. - Open Meeting**

Senate Room 4, State Capitol Building

Continuing the study examining the rolling stock tax, (SJR 5).

# Calendar of Events

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Contact: Robert F. Douth, Deputy Clerk of the Senate, P.  
O. Box 396, Richmond, Va. 23203, telephone (804)  
786-4638

## CHRONOLOGICAL LIST OPEN MEETINGS

### December 10

Alcoholic Beverage Control Commission, Virginia  
House of Delegates Privileges and  
Elections Committee  
Joint Legislative Audit & Review Commission

### December 11

Accountancy, Virginia State Board of  
House Committee for Courts of Justice  
Subcommittee Studying Coal Slurry Legislation  
Historic Landmarks Commission, Virginia  
Needs of Handicapped Persons, Overall  
Advisory Council on the  
Outdoors Foundation, Virginia  
Rate-Setting for Children's Facilities,  
Interdepartmental Committee on  
Substance Abuse Certification Committee, Virginia

### December 12

APELSCLA - Certified Landscape Architects  
Architects, Professional Engineers, Land Surveyors  
and Certified Landscape Architects  
Commissioners to Examine Pilots  
Funeral Directors and Embalmers, Virginia Board of  
Mental Health and Mental Retardation,  
State Board for  
Rolling Stock Tax,  
Joint Subcommittee  
Solid Waste Commission

### December 13

House Agriculture Subcommittee  
Studying Agriculture Commodity Commissions  
Conservation and Economic Development, Board of  
Funeral Directors and Embalmers, Virginia Board of  
General Services, Department of  
Health, Welfare and Institutions Committee,  
House of Delegates, Senate Rehabilitation and  
Social Services Committee  
Higher Education for Virginia, State Council of  
Hunger and Malnutrition in the Commonwealth,  
Joint Subcommittee  
Pharmacy, State Board of  
Rehabilitation and Social Services,  
Senate and House Joint Meeting  
Social Services, Senate Committee on Rehabilitation

### December 14

Building Code Technical Review Board, State  
Funeral Directors and Embalmers, Virginia Board of  
Higher Education for Virginia, State Council of  
Human Rights Committee, State

### December 17

Coal and Energy Commission  
House Appropriations Committee and  
Senate Finance Committee, Joint Meeting  
Housing and Community Development, Board of

### December 18

Housing Development Authority, Board of  
Commissioners  
Real Estate Commission, Virginia,

### December 19

Holiday - Hanukkah  
Highway Funding, JLARC Study  
Joint Subcommittee  
Hazardous Waste Facility Siting Board  
Health Services Cost Review Commission, Virginia  
Industrial Development and Review Bond Study,  
Commission of the  
Milk Commission, State  
Social Services, State Board of

### December 20

Examiners for Nursing Home Administrators,  
State Board of  
Highways and Transportation, Department of  
Social Services, State Board of

### December 24

State offices will be closed

### December 25

Holiday - Christmas

### December 31

State offices will be closed

### January 1, 1985

Holiday - New Year's Day

### January 4

APELSCLA - Architects' Section

### January 5

Cave Commission, Virginia

### January 7

Hearing Aid Dealers and Fitters,  
Virginia Board of

### January 8

Real Estate Commission, Virginia

### January 9

Courts of Justice, Senate Committee for  
Visually Handicapped, Virginia Department for the

### January 15

Health Regulatory Boards, Commission of

### January 16

Librarians, State Board for the Certification of

**January 17**

Community Colleges, Virginia State Board for

**January 23**

Health Services Cost Review Commission, Virginia

**January 28**

Barber Examiners, Virginia Board of

**January 29**

Nursing, Virginia State Board of

**January 30**

Nursing, Virginia State Board of

**February 8**

General Services, Department of,  
Division of Consolidated Laboratory  
Services Advisory Board

**February 13**

Corrections, Department of  
Social Services, Department of,  
Division of Licensing Programs

**February 20**

Social Services, Department of,  
Division of Licensing Programs

## PUBLIC HEARINGS

**December 10**

Joint Legislative Audit and Review Commission

**December 13**

Agriculture and Consumer Services,  
Virginia Department of

**December 17**

Higher Education, Council of  
Housing and Community Development, Board of  
Housing and Community Development, Department of

**December 18**

Highway Funding, JLARC Study  
Joint Subcommittee

**December 19**

Agriculture and Consumer Services,  
Virginia Department of

**January 16, 1985**

Hazardous Waste Facility Siting Board

**January 28**

Nursing, Virginia State Board of

**February 7**

Health Regulatory Boards, Virginia Commission of  
Health Regulatory Boards, Virginia Department of

**February 8**

Water and Sewer Assistance Authority, Virginia