

DRAFT
Joint Commission on Administrative Rules
September 8, 2004 - 1 p.m.
Boys' Home
Covington, Virginia

Call to Order and Attendance

The Joint Commission on Administrative Rules (JCAR) met on Wednesday, September 8, 2004, at the Boys' Home in Covington, Virginia. Members of JCAR in attendance were Senators Wagner, Martin, Whipple and Williams and Delegates Griffith, Gear, Howell, McQuigg, and Saxman. Senator Wagner called the meeting to order at 1:00 p.m.

Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10)

Donnie Wheatley, Executive Director, Boys' Home, Covington, told the Commission about how he grew up in Covington and of his great love for the Boys' Home. He told the Commission how the (yet-to-be-proposed) regulations would decrease the opportunities for residents of the Boys' Home to expand their horizon and grow. The regulations will require the Boys' Home to downsize their cottages or hire an additional staff person per cottage, he said.

Stephen C. Fogleman, an attorney from Alexandria, spoke in opposition to the regulations. Mr. Fogleman completed two terms on the Board of Trustees for the Boys' Home. The proposed core regulation changes would change the way the Boys' Home does business, he said. The changes would turn the Boys' Home into more of a treatment facility, he added.

Reggie Gibbs, a recent graduate of the Boys' Home, spoke fondly of the six and a half years he spent there. Mr. Gibbs currently works for the YMCA and serves in the Virginia National Guard. He explained that he was in foster care before coming to the Boys' Home. Had it not been for the Boys' Home, Mr. Gibbs speculated, he would probably be in a detention home or on the streets.

Eddie Thomas, of American Freestyle Karate in Salem, talked about the come and go problem with the regulations.

Marc P. Jaccard, Executive Director, Henry & William Evans Home for Children, Inc., expressed his concerns over the regulations, adding that the regulations need clarification

Steve Richard, Director of Baptist Home in Salem, expressed his concerns over the regulation.

After receiving testimony from interested parties, the Commission decided to take up Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10) at a future meeting when a representative from the Department of Social Services would be present.

Proposed Standards for Licensed Child Day Centers (22 VAC 15-30)

Maile Hildenbrand with the City of Virginia Beach Parks and Recreation spoke to the Commission about the proposed regulations. She said that while there were some positive aspects to the regulations, she had several areas of concern, most notably the increased activity space requirement and the increased training standards. Ms. Hildenbrand stated that an ongoing problem is the way the existing regulations are interpreted and applied. For example, she said, hand lotion is now considered a hazardous material. Ms. Hildenbrand added that increased training requirements will be extremely difficult to meet for seasonal staff who work only eight to 10 weeks for summer camp.

Sherri Lee, Parks & Recreation Supervisor, Community Recreation Services, Virginia Beach Parks & Recreation, also expressed her concerns with the regulations, especially the minimum staff qualifications and training requirements. Ms. Lee said that they want to focus on better service for the children, and added that the regulations are not applicable to every situation. One set of standards does not fit every mold, she stated, nor does every agency need that mold to

offer a safe and quality program. She explained that for agencies offering day care for just a few hours a day, the standards are cumbersome and excessive in some areas. Many parents rely on the two-to-three hour licensed programs offered by Virginia Beach Parks & Recreation and the services are vital for providing a safe and affordable place for children to play while their parents are at work. If standards must be in place for an already self-governing municipality or for a program with so few hours of operation, then the emphasis needs to be put on developing standards that are more applicable to the situation, she said.

Helen Hills, also from Virginia Beach Parks & Recreation, expressed her concerns.

Sharon Jones, former Chair of the Child Day Care Council, spoke to the Commission about her concerns over the proposed regulations. Ms. Jones stated that child care costs would dramatically increase for both parents and taxpayers, the availability of licensed child care may actually decrease as nongovernmental-operated centers struggle to meet financial and space requirements created by burdensome and costly over-regulation, and that jobs may be in jeopardy at every level of the child care career ladder.

Ms. Jones spoke on behalf of several colleagues who could not attend the meeting. Ms. Jones read from a handout prepared by Kristin Weiss, Director of Pantops Children's Center in Charlottesville. Ms. Weiss has worked in day care for four years. She will have to find another job, she said, if these regulations are put into place because she does not have a college degree and can't go back to school to receive her degree at this time. Ms. Weiss added that a lot of women are just like her, working in child care because it allows them to continue putting their families first.

Ms. Jones also spoke on behalf of Robin Dejarnette, Government Relations Chair, Alliance for Choices in Child Care, who expressed her concerns with the proposed regulations.

Elizabeth Dowdy, Executive Director, Evangel Child Care Ministries, said she believes that if the proposed standards go into effect the children, parents and providers will suffer. She said the proposed regulations are written in a manner that will create an undue burden for the child-care industry, she said. Specifically, she expressed concern with 22 VAC 15-30-10, as well as a number of other proposed changes.

Stephanie Jones, Administrator, Old Dominion Day School Inc., reiterated the concerns of her colleagues.

Jack Knapp, a Baptist minister, said the proposed regulations would put parents in a choice of no day care or latchkey.

Vernon Holloman, Executive Director, Holloman Day Care Center, asked the Commission members present to carefully review the regulations and expressed his concerns over the proposed regulations, most notably the increased space requirement and added that parents and those who provide child care services have not asked for or lobbied for the new regulations.

Dwayne Johnson of ABC Preschool in Charlottesville said that the interpretation of the regulations for his facility in Charlottesville differ from those of his facility in Fluvanna.

Many Commission members expressed concerns about the changes. Senator Williams noted that the Commission could submit legislation to address key issues relating to the regulations.

Delegate Griffith noted that the proposed regulations need to be cross-referenced with legal personnel who don't work only with day care regulations.

Delegate Howell said that testimony the Commission just heard demonstrates inconsistencies with the proposed regulations.

Due to inclement weather, representatives of the Department of Social Services were unable to attend the meeting. Without information regarding the current status of the regulation immediately available, the Commission took action to suspend the regulations by a vote of 8-0-1, with Senator Whipple abstaining.

Volunteer Firefighters

David Bailey informed the Commission about "potentially explosive issues" regarding young volunteer firefighters: 16-17-year-old volunteers must reside in the locality that authorizes their participation, and these 16-17-year-old junior firefighters are now considered ineligible to ride on fire-fighting apparatus. Mr. Bailey stated these are not specifically addressed in the Code of Virginia or in regulations, that they are the Department of Labor's interpretation. Senator Wagner suggested writing a letter and if issues were not addressed, appropriate staff would come to the next JCAR meeting.

Adjournment

There being no further business, Senator Wagner adjourned the meeting at 3:18 p.m.