



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VA 23218-2120

DATE: September 14, 2023

TO: Religiously Exempt Child Day Centers

FROM: Jeffrey Williams, Director - Office of Child Care Health and Safety, Virginia Department of Education

SUBJECT: Requirement for Annual Filing

The Office of Child Care Health and Safety (OCCHS) is sending you this memo as a courtesy reminder of certain laws related to religiously exempt child day centers. Please ensure that all Directors and legal representatives of your organization review the information in this memo.

If you are currently operating as a religious exempt child day center, you must maintain a current, unexpired exemption through the Virginia Department of Education (Department).

Code of Virginia [§ 22.1-289.031](#) exempts from licensure a child day center operated or conducted under the auspices of a religious institution if the religious institution meets [certain requirements](#) and files certain documentation with the Department prior to opening and annually thereafter.

OCCHS sends a notice of expiration to programs 90 days prior to expiration of their exemption. **Please be advised that if the Department does not receive an organization's complete annual filing prior to expiration of the exemption, the exemption will expire, and the organization will no longer be authorized to operate a child day center as a religiously exempt child day center. Failure to submit complete annual filings may also impact subsidy vendor agreements or have legal ramifications.**

[§ 22.1-289.011](#) of the Code of Virginia requires child day center licensure when a child day program is offered to two or more children under the age of 13 years in a facility that is not the residence of the provider, or any of the children in care, or for 13 or more children at any location, unless the program meets an exemption identified in [§ 22.1-289.030](#) of the Code of Virginia.

There are additional laws and penalties related to the illegal operation of child day centers that are important to note:

- [§ 22.1-289.027](#) of the Code of Virginia states that anyone who is operating a child day center without a required license shall be guilty of a Class I misdemeanor.
- [§ 18.2-371.1](#) of the Code of Virginia states that persons who knowingly operate a child day center without the required license are subject to a Class 4 felony if a child receives a serious injury while in their care.

If you are currently operating with an expired filing, you must immediately cease operating in a manner that subjects you to licensure.

If you intend to operate a child day center in the future, you may apply for licensure or as an exempt child day center. Please remember that to be eligible for the religious exemption, your child day center must be sponsored by the religious institution. An entity or individual simply leasing space in a religious institution does not qualify for exemption. You may obtain the required documents that must be submitted annually, and additional resources related to a religious exemption on the Department's [website](#).

If you have any questions related to your religious exemption, please direct them to your licensing representative or to childcarelicensing@doe.virginia.gov.