



COMMONWEALTH of VIRGINIA

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

DATE: June 17, 2024

TO: Licensed Child Day Centers and Child Day Centers Participating in the Child Care Subsidy Program, Religious Exempt Child Day Centers, and Certified Preschools

FROM: Jeffrey S. Williams, Assistant Superintendent - Department of Child Care Health and Safety, Virginia Department of Education

SUBJECT: 2024 Legislative Implementation

This memo will inform you of legislation that passed in the 2024 Virginia General Assembly session that affects licensed child day centers, child day centers that participate in the subsidy program, religious exempt child day centers, and certified preschools. The legislation will become effective July 1, 2024.

Waivers to Operate in Office Buildings: Senate Bill (SB) 13 / House Bill (HB) 281

[SB13](#) and [HB281](#) amend the Code of Virginia, adding §15.2-2292.2. This law permits any locality to adopt an ordinance that provides waiver of any requirements for zoning permits for the operation of a child day program in an office building, as defined by the bill, provided that such facility satisfies the requirements for state licensure as a child day program.

Exemption from Licensure for Military Programs: Senate Bill (SB) 702 / House Bill (HB) 739

[SB702](#) and [HB739](#) amend §22.1-289.030 of the Code of Virginia, adding two child day program types eligible to operate exempt from licensure: (i) a child day program that is located on a military base or federal property and serves only dependent children of military personnel; and (ii) a child day program that is certified as a family child care provider by a branch of the Armed Forces of the United States and serves only dependent children of military personnel. Such programs that wish to operate exempt from licensure must follow the requirements to file outlined in the Code.

Additional information on filing to operate exempt from licensure is available on the Department's child care website at <https://www.childcare.virginia.gov/providers/program-types/exempt-filing>.

Licensed programs that would like to request the exemption under § 22.1-289.030 B10 must first file for the exemption and receive confirmation from the Department that the filing was processed, then surrender the license to their assigned licensing inspector. Prior to deciding to surrender their license and operate under this exemption, providers are reminded that programs operating under § 22.1-289.030 B10 are not eligible to obtain national fingerprint background checks as a regulated child day program through Fieldprint unless they choose to be a subsidy vendor.

Questions may be emailed to celexemptions@doe.virginia.gov.

Dissemination of Background Checks: House Bill (HB) 508

[HB508](#) amends and reenacts § 22.1-289.035 of the Code of Virginia. This legislation provides authority to the Department of Education to provide written certification to an entity designated by the Department that provides staffing for child day programs for any individual required to undergo a background check pursuant to subsection A of § 22.1-289.035. The certification would indicate that such individual satisfies all requirements set forth in relevant law and is eligible to serve as an employee, temporary employee, or volunteer in a child day program. The legislation requires that the written certification from the Department state the date by which the individual is required to complete a new background check in accordance with the periodic requirement for such background checks that is established in subsection A of § 22.1-289.035. The legislation further requires that the written certification shall not reveal the nature of any disqualifying barrier crime committed by or founded complaint of child abuse or neglect against the individual and allows the written certification to be shared among child day programs for the purpose of facilitating the creation and maintenance of a child day program substitute staff pool system.

Background Checks; Provisional Hire: House Bill (HB) 1277

[HB1277](#) amends and reenacts § 22.1-289.035 of the Code of Virginia. This legislation allows an applicant for employment or volunteering to be provisionally hired at a child day center, family day home, or family day system, provided that (a) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (b) the applicant is supervised at all times by a person who received a qualifying result on a background check conducted in accordance with subsection B of § 22.1-289.035 within the past five years.

Legislation related to background checks for child day programs was shared on June 7, 2024, in a separate memo, [Background Check Requirements, Information and Updates](#), for ease of reference.

Virginia Preservice Training for Child Care Staff: House Bill (HB) 1024

[HB1024](#) requires the Department of Education to review its Virginia Preservice Training for Child Care Staff course for appropriateness based on the age range of children served by staff who are required to complete such course and to consider excluding portions of such course that are solely relevant to providing care for students in a certain age range for staff whose duties do not include the care of children in such age range. VDOE will conduct monthly listening sessions to gather feedback related to the improvement of this required training beginning in July 2024. The dates, times and locations of the listening sessions will be shared through the [Readiness Connections Newsletter](#). Providers are encouraged to register for the newsletter to ensure you are receiving alerts and announcements.

More Information

The Office of Child Care Health and Safety will host a webinar to inform providers about legislative implementation on Thursday, June 20, from 10-11 a.m. [Registration](#) is required.

For questions, please contact childcarelicensing@doe.virginia.gov.