



*COMMONWEALTH of VIRGINIA*

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

**DATE:** June 13, 2025

**TO:** Licensed Child Day Centers, Certified Preschools,  
Religiously Exempt Child Day Centers, Filing Exempt Child  
Day Programs, and Unlicensed Child Day Centers Participating in the  
Child Care Subsidy Program

**FROM:** Jeff Williams, Assistant Superintendent - Department of Child Care Health  
and Safety

**SUBJECT:** 2025 Legislative Implementation

This memo will inform you of legislation that passed in the 2025 Virginia General Assembly session that affects child day programs. The legislation will become effective July 1, 2025.

**Parent Access to Records: House Bill (HB) 1593 and Senate Bill (SB) 846**

[House Bill \(HB\) 1593](#) and [Senate Bill \(SB\) 846](#) amend § 20-124.6 of the *Code of Virginia* to expand parent access to records of a child day center or family day home of the parent's minor child and requires that records stored or accessible through a secure website also be made available to parents.

**Mental Health Screening Tool and Consultation Resources: House Bill (HB) 1760**

[House Bill \(HB\) 1760](#) directs the Department of Behavioral Health and Developmental Services and the Department of Education to convene a work group to develop a plan to (i) create a mental health screening and assessment tool to assist with early identification of mental health issues for children in early childhood care and education settings that focuses on early detection, intervention, and support for emotional and behavioral challenges in children five years of age or younger and (ii) provide mental health consultation resources and training to early childhood education providers, pediatric health care providers, and families.

This information is being provided to keep providers informed of the activities regarding early childhood education in the Commonwealth. No action is required.

## **Exemption from Licensure for Programs Providing Horse Riding Instruction: House Bill (HB) 2419**

[House Bill \(HB\) 2419](#) adds programs providing instructional experience in horse riding to the list of programs ‘not considered child day programs’ in subsection A of § 22.1-289.030. These programs must meet the following requirements:

- The program must be taught by an adult with a recognized certification in horse riding instruction,
- Have fewer than 12 children attend at any time,
- At least one adult actively supervises no more than three children at any time during such a program, and
- The majority of programming relates to horse riding and equine activities.

Licensed programs or currently exempt child day programs that would like to operate under § 22.1-289.030 A 9 are encouraged to consult with their inspector before relinquishing their license or current exemption in writing to their assigned licensing inspector. If your program does not have an assigned licensing inspector, email [childcarelicensing@doe.virginia.gov](mailto:childcarelicensing@doe.virginia.gov). VDOE may verify that the program will be operating legally if a program elects to relinquish their license or current exemption.

Updated information on programs exempt from licensure pursuant to § 22.1-289.030 will be available on the [Filing Exempt webpage](#) of the VDOE child care website on July 1, 2025. Questions may be emailed to [cclexemptions@doe.virginia.gov](mailto:cclexemptions@doe.virginia.gov).

## **Commission on Early Childhood Care and Education (House Bill (HB) 2645 and Senate Bill (SB) 1391**

[House Bill \(HB\) 2645](#) and [Senate Bill \(SB\) 1391](#) add a representative of the Department of Veterans Services to the required member list for the Commission on Early Childhood Care and Education (the Commission). The Commission is a guiding body, comprised of policymakers, practitioners, parents, and other experts in the early childhood care and educator (ECCE) sector, to set a vision and establish goals for the future of ECCE in the Commonwealth.

The Commission also includes representatives of private and public early childhood programs, Head Start programs, faith-based programs—as well as representatives of public school divisions, local governments, regional coordinating entities, and parents and guardians.

This information is being provided to keep providers informed of the activities regarding early childhood education in the Commonwealth. No action is required.

## **Out-of-School Time Programs and Exemptions from Licensure: Senate Bill (SB) 1084**

[Senate Bill \(SB\) 1084](#) adds a definition of an out-of-school time program in § 22.1-289.02. An out-of-school time program is a program that (i) serves only school-age children; (ii) operates primarily before or after regular school hours, during the summer, or at times when school is not normally in session; and (iii) is offered for the purpose of promoting expanded childhood learning and enrichment, child and youth development, or educational, recreational, or character-building activities.

SB 1084 also amends § 22.1-289.030 A 2, reducing the allowed age range for programs of instructional or recreational activities that are not considered child day programs. Programs of instructional or recreational activities wherein no child under age five attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child five

years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session, are not considered child day programs and are not required to be licensed.

SB 1084 also establishes an exemption from licensure for out-of-school time programs that:

- Are affiliated with a national organization with established health and safety requirements;
- Are in compliance with such health and safety requirements established by the national organization;
- Adopt standards and requirements relating to staff training and qualifications that are consistent with the Board's regulations relating to staff training requirements and qualifications;
- Have policies and procedures relating to emergency preparedness and response, child abuse prevention and response, and internal incident reporting and investigation; and
- Complete background checks in accordance with § 22.1-289.039 and, if applicable, in accordance with the provisions of § 22.1-289.040 for all applicants for employment, employees, applicants to serve as volunteers, and volunteers.

### Staff Training and Qualifications Consistent with the Board's Regulations

Out-of-school time programs seeking an exemption pursuant to § 22.1-289.030 B 11 can find the Board's regulations related to staff training and qualifications in [Chapter 780 Standards for Licensed Child Day Centers \(8VAC20-780\)](#).

- 8VAC20-780-180. General qualifications.
- 8VAC20-780-190. Program director qualifications.
- 8VAC20-780-210. Program leader qualifications.
- 8VAC20-780-220. Aides.
- 8VAC20-780-230. Independent contractors; volunteers.
- 8VAC20-780-240. Staff training orientation.
- 8VAC20-780-245. Ongoing training.
- 8VAC20-780-530. First aid training and cardiopulmonary resuscitation (CPR).

### Background Checks

Employees and volunteers who will be alone with, in control of, or supervising children are required to obtain the following background checks:

- Sworn statement or affirmation;
- National criminal history record check;
- Virginia Central Registry; and if applicable:
- Out-of-state criminal background check;
- Out-of-state sex offender registry search; and
- Out-of-state child abuse and neglect search for those individuals who have lived outside of the Commonwealth in the past five years.

All out-of-school time programs seeking an exemption pursuant to § 22.1-289.030 B 11 must obtain a facility ID code from the Virginia Department of Social Services Office of Background Investigations to have fingerprints taken at a [Fieldprint](#) location to obtain the national criminal history record check. Programs relinquishing their license, exemption or certificate to operate as an exempt out-of-school time program will need a new facility ID because once the license, exemption or certificate is closed, the previous facility ID will be cancelled. A new account to access the OBI portal is needed to submit Central Registry Requests and access background check results. Information and instructions for completing background checks can be found on the VDOE [background check webpage](#).

## Policies and Procedures Relating to Emergency Preparedness and Response, Child Abuse Prevention and Response, and Internal Incident Reporting and Investigation

Out-of-school time programs seeking an exemption pursuant to § 22.1-289.030 B 11 can find the Board's regulations related to these topics in [Chapter 780 Standards for Licensed Child Day Centers \(8VAC20-780\)](#) as a point of reference if needed.

### Child Care Subsidy Program (CCSP)

Out-of-school time programs seeking an exemption pursuant to § 22.1-289.030 B 11 are eligible to participate in the CCSP. CCSP providers and applicants that are not licensed or regulated by the state are required to provide proof of legal operations. Out-of-school time programs exempt under SB1084 will be required to submit evidence of affiliation with their national organization with their CCSP application or change request form. An application guide for license-exempt out-of-school time programs under SB1084 will be available on the [Becoming a Child Care Subsidy Vendor webpage](#) by July 1.

If a licensed program or currently exempt child day program is a current participant of the CCSP program and wishes to continue to participate in the CCSP program once an exempt out-of-school time program, the program will be required to submit a change request form to the CCSP program and have the vendor agreement updated prior to beginning operation as an exempt out-of-school time program to ensure there is no disruption to families in care. Change request forms can be found on the [Current Child Care Subsidy Vendor webpage](#).

The Department will make resources available on the [Filing Exempt webpage](#) to assist programs in determining compliance with the requirements of the exemption.

Licensed programs or currently exempt child day programs that would like to operate under the out-of-school program exemption under § 22.1-289.030 B 11 must fully comply with the requirements of the exemption before relinquishing their license or current exemption in writing to their assigned licensing inspector. If you do not have an assigned licensing inspector, you can email [childcarelicensing@doe.virginia.gov](mailto:childcarelicensing@doe.virginia.gov).

Updated information on programs exempt from license pursuant to § 22.1-289.030 will be available on the [Filing Exempt webpage](#) of the VDOE child care website on July 1, 2025. Questions may be emailed to [cclexemptions@doe.virginia.gov](mailto:cclexemptions@doe.virginia.gov).

Lastly, SB 1084 requires that the Superintendent of Public Instruction, in partnership with the Secretary of Education, establish a work group to review health and safety expectations for out-of-school time programs. The work group is to report its findings and recommendations to the Governor, the House Committee on Education, and the Senate Committee on Education and Health by December 1, 2025.

### **Appropriations Act for FY 2024-2026 Updates**

The Superintendent of Public Instruction is authorized through June 30, 2026, as passed in the 2024 General Assembly, to temporarily alter staff-to-child ratios and group sizes for licensed child day centers and child day centers that participate in the Child Care Subsidy Program or Mixed Delivery Grant Program. Eligibility requirements and instructions on how to submit a request is available in the [memo dated June 17, 2024](#).

The 2025 approved [Virginia Appropriation Act](#) states:

“Notwithstanding 8VAC-20-780, or any other requirement in state law or regulation, the Superintendent of Public Instruction shall have the authority to alter staff-to-child ratios and group sizes for licensed child day centers and child day centers that participate in the Child Care Subsidy Program or Mixed Delivery Grant Program by increasing the number of children per staff by (1) one child for groups of children from birth to the age of eligibility to attend public school, and (2) two children for groups of children from the age of eligibility to attend public school through 12 years. Child day centers that take advantage of this flexibility must notify families in writing of the temporary increase in ratios and group size. This authority and any resultant waiver of state law or regulation shall expire June 30, 2026. The Superintendent of Public Instruction shall ensure that any action taken under this provision is permissible under federal requirements.”

### **More Information**

The Office of Child Care Health and Safety will host a webinar to inform providers about legislative implementation on Tuesday, June 17, from 1-2 p.m. [Registration](#) is required.

For questions, please contact [childcarelicensing@doe.virginia.gov](mailto:childcarelicensing@doe.virginia.gov).