



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
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**DATE:** January 30, 2026

**TO:** Licensed Child Day Centers, Licensed Short-Term Child Day Centers, Licensed Family Day Homes, Licensed Family Day Systems, and Voluntarily Registered Family Day Homes

**FROM:** Jeffrey Williams, Assistant Superintendent, Child Care Health and Safety

**SUBJECT:** General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks, 8VAC20-821, effective February 1, 2026

The final *General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks* (8VAC20-821) regulation will become effective on February 1, 2026.

The *General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks* (8VAC20-821) regulation establishes a new comprehensive chapter which includes a more streamlined and simple regulation to include the previous General Procedures and Information for Licensure (8VAC20-820); Background Checks for Child Day Programs and Family Day Systems (8VAC20-770); and Fee Requirements for Processing Applications (8VAC20-830).

**Note for voluntarily registered family day homes:** Only background check requirements found in Part V, Background Checks, of 8VAC20-821 apply to voluntarily registered family day homes. Information about licensure requirements, renewal, application fees, standards of conduct, violation review, and sanctions in 8VAC20-821 do not apply to voluntarily registered family day homes.

The final regulation provides a restructured and simple organization which offers clarification and clear directions related to each “phase” of the licensing cycle. The full text will be available in the [Virginia Administrative Code](#) (Chapter 821) and posted on the [Child Care VA](#) website on each impacted program’s webpage.

The Department has implemented process changes to align with the new regulation. The Department’s trainings that were provided the week of January 9, 2026, and additional resources can be found on the Child Care VA’s [What’s New](#) page.

Key administrative and procedural changes included the following:

#### *Transferability of a license*

- Licenses may transfer with licensee to a new location with a new inspection of the proposed facility prior to the transfer.

#### *License terms*

- Regular licenses will be issued for a two-year period for all program types. Licensees may be issued a provisional license following a conditional license.

#### *Applications and licenses*

- Applicants will have six months to complete an initial application for licensure.

#### *Building and functional design*

- Certificate of occupancy (CO) is no longer specifically referenced and instead a building evaluation, CO, or other documentation can be submitted; the [Virginia Uniform Building Code](#) requirements must be met.

#### *Variances*

- The superintendent may issue variances for a widespread hardship across programs or to a group of programs under a licensee where there is a demonstration of hardship.
- Variances may be transferred when there is a change in location.

#### *License types*

- Licenses issued will include a conditional license, two-year license, or provisional license.
- Conditional license: Early compliance may be initiated and determined by the Department, and a two-year license granted. A provisional license may be issued if licensure requirements are temporarily not met upon the expiration of a Conditional license.
- Two-year license: All regular licenses expire two years from the effective date of the issuance of the license.
- Provisional license: Issued for no more than six months. At the end of the provisional licensure period, if requirements for licensure are met, a two-year license will be issued. Otherwise, the application for renewal will be denied.

#### *Fees*

- Application fees will reflect a two-year licensure period rather than requiring installment fees. There are no increases to fees. The Department is not collecting application fees at least through June 2026.

#### *Background checks*

- Background check requirements are fully aligned with the *Code of Virginia*.
- A sworn disclosure statement will now be a required application attachment for all initial applicants and agents for licensure or registration, and any new applicants, agents, or licensees listed on the application for renewal. Revised applications will be available on each program [webpage](#) on February 1.
- Documentation requirements relating to out-of-state checks and non-responsive states are now included.

### *Compliance and license maintenance*

- Areas of noncompliance found during any inspection must be corrected.
- Providers are required to notify the superintendent of changes to contact information, ownership or business formation of licensee.
- Records must be provided during inspections or within required timeframe if extension is granted.

### *Prohibited acts*

- Expectations of licensees are clarified under the terms of the license. Compliance with administrative sanctions imposed by a special order or final order is considered a term of the license.

### *Review process*

- When a violation is challenged, resolution is encouraged with the licensing administrator. If a resolution cannot be reached and a formal review is desired, the appeal of inspection findings must be received within five business days of the issued violation notice. The formal review process is condensed to one review by program supervisory staff who will be designated by the superintendent. Appeals will still be received by the licensing administrator and forwarded to the superintendent's designee. Review the [Virginia Administrative Process Act](#) for additional appeal information.
- The superintendent has the authority to initiate administrative penalties, a summary suspension, or recommend an injunction, and an appeal of violations does not prohibit the superintendent from proceeding directly with such an action.

### *Administrative sanctions, revocation, and denial*

- Violation of regulatory standards, Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1 of the *Code Virginia*, or terms of the license is grounds for revocation or denial.
- Summary suspension may be issued in conjunction with an administrative sanction, revocation, or denial if an immediate and substantial threat to the health, safety, and welfare of children receiving care exists.
- An applicant or licensee has the option to request to enter into a consent agreement in lieu of adverse action in addition to instances where the agency intends to revoke or deny a license.

### *Appeal of refusal to issue license, denial of renewal, or revocation*

- An appeal of the notice of intent must be received within 15 days after receipt of notice.

Please contact your licensing inspector with questions.