



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION
P.O. BOX 2120
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DATE: June 23, 2026

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

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

SUBJECT: Legislative Implementation 2026

This memo provides updates about legislation that affects certain child day programs in Virginia. This includes information related to:

- 1) House Bill 258 which changes the terms used to describe family day home and family day home systems
- 2) Updates on the implementation of requirements related to stock epinephrine
- 3) Information about the current status of ratio waiver requests and possible expiration

House Bill 258—Change in Terminology

[House Bill 258](#), passed by the 2026 Virginia General Assembly, updates two terms used throughout the *Code of Virginia*, the *Virginia Administrative Code*, and elsewhere.

- The term “**family day home**” will be changed to “**home-based child care**.”
- The term “**family day system**” will be changed to “**home-based child care system**.”

This legislation updates **terminology only**. There are no changes to definitions or requirements for licensure resulting from this law.

The Department is working to update these two terms across forms, documents, and communications. After July 1, providers will begin seeing the new terms across VDOE materials, but full updates will take several months. Regulations, public facing technology systems, guidance documents, technical assistance resources, and training materials will be revised over time. During this transition, providers may see or hear both terms while the Department implements the changes to comply with the requirement.

Stock Epinephrine Update

The Department continues to work toward the implementation of § [22.1-289.059](#) of the *Code*. The statute requires the Department to amend regulations in order to require certain center-based

programs to stock undesignated epinephrine and to have staff trained on the administration of undesignated epinephrine.

[As outlined in a recent memo](#), the proposed regulatory changes received sufficient public comment to halt a previous regulatory action. Providers do not need to take any action at this time or implement the provisions of epinephrine-related requirements.

The Office of Child Care Health and Safety (OCCHS) will notify providers when the regulations from the proposed stage are published for public comment. The OCCHS will also share implementation procedures and compliance timelines through memos, webinars, and other resources prior to any changes becoming effective.

Ratio Waiver Expiration Pending Final Virginia Appropriations Act

[The Appropriations Act of 2024](#) authorized the Superintendent of Public Instruction to alter staff-to-child ratios and group sizes for licensed child day centers and child day centers participating in the Child Care Subsidy Program or Mixed Delivery Grant Program. This means that the Superintendent was able to:

- Increase the number of children per staff by one for groups of children from birth to the age of eligibility to attend public school; and
- Increase the number of children per staff by two for groups of children from the age of eligibility to attend public school through 12 years.

According to the Appropriations Act of 2024, this authority and any resultant waiver of state laws or regulations expires **June 30, 2026**. After that date, programs must follow the staff-to-child ratios and group sizes required under applicable regulations.

The upcoming Virginia Appropriations Act is still being negotiated, and it may or may not include an extension of the current flexibilities. If an extension is approved, the Department will notify providers immediately. Until the budget is finalized, child care providers are encouraged to begin preparing for the possibility of returning to standard ratios after June 30, including notifying families in advance as appropriate.

Pursuant to 8VAC20-821-70, licensed child day centers that currently have an approved ratio waiver may request a variance to continue to use the increased staff-to-child ratios and group sizes. Refer to the June 11 memo recently distributed to licensed child day centers with existing waivers for more details.

What's Next

The Department will share a pre-recorded webinar on the [What's New page](#) prior to July 1, 2026, for programs and providers that would like to watch a video update on these changes. The webinar will be announced in the [Readiness Connections Newsletter](#) when it is ready to view.

If you have questions about any of these legislative mandates, please contact your licensing inspector or childcarelicensing@doe.virginia.gov.