

EARLY CHILDHOOD CARE AND EDUCATION PROVIDER WEBINAR: LEGISLATIVE UPDATES

Office of Child Care Health and Safety

June 22, 2023



INTRODUCTIONS

Office of Child Care Health and Safety

Jeff Williams, Director

Jessica Silva, Associate Director

Tatanishia Armstrong, Legislative Consultant

Alyson Williams, Legislative Consultant

THANK YOU!

- We recognize the value & importance of the challenging work you do every day for young children, families, and educators in the Commonwealth.
- We understand how complex it can be to navigate the multiple laws and regulations that affect your early childhood care and education program.
- We hope that this webinar helps you understand and feel prepared for upcoming legislative changes.
- We want you to leave with resources to help you navigate and successfully implement changes to enhance the health, safety, and well-being of the children in your programs.

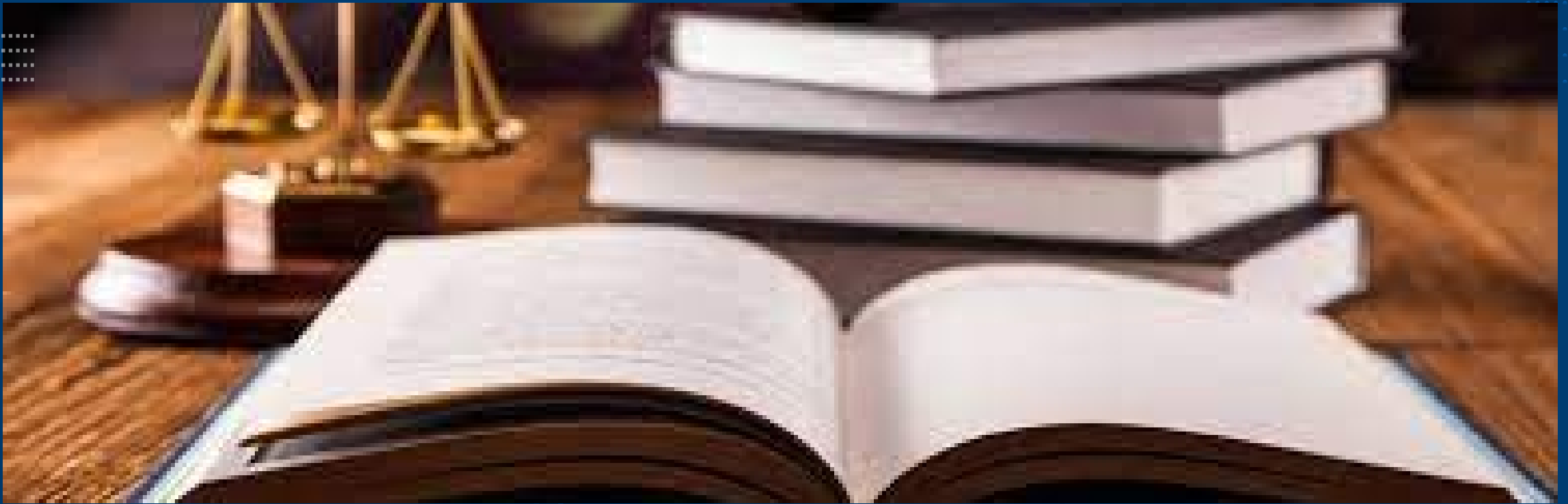
HOUSEKEEPING

DURING THE WEBINAR:

- For sound quality all mics will be muted.
- Please enter your questions into the Q&A. Team members will be monitoring it during the webinar.
- We will have time at the end to answer as many questions as possible.

AFTER THE WEBINAR:

- If your question is unanswered during today's webinar, please email childcarelicensing@doe.virginia.gov.
- This webinar is being recorded to and livestreamed on the VDOE YouTube page.
- You can also find this information on the "What's New" page on childcare.virginia.gov.



TODAY'S TOPICS

- Legislative changes
- Q&A

THE LEGISLATIVE PROCESS 101

- Virginia General Assembly
- Bicameral Legislature (Two Chambers):
 - House (Delegates)
 - Senate (Senators)
- Bills introduced during Session
- If Bills pass through both Chambers, they move to the Governor for enactment
 - Signing, amendment, veto
- Bills signed by Governor become law (or "Code" in the Code of Virginia)

<https://viriniageneralassembly.gov/>

2023 GENERAL ASSEMBLY RECAP

Bill #	What the bill does
HB1701 VCPE Accreditation	Updates Code to allow the Virginia Council for Private Education (VCPE) to review background check eligibility letters for accredited private school employees for purposes of meeting accreditation standards.
SB964/HB1713 Private School Exemption	Updates Code to extend age of children that may attend exempt programs at private schools to kindergarten-eligible children not yet 5 years of age.
HB1698 Public School Exemption	Updates Code to allow exempt programs operated by public school divisions to operate more than four hours on shortened instructional days and noninstructional days.
HB1636 Illegal Operation	Updates Code to include knowingly operating an illegal child day program or family day system without a license where a child is seriously injured as a Class 4 felony. This is a technical amendment to correct an omission when child care Code was moved to DOE.
HB1423/SB1404 Commission on ECCE	Updates Code to change the School Readiness Committee to the Commission on Early Childhood Care and Education.
SB1146/HB2140 Epinephrine	Updates Code related to stock Epinephrine required in regulated child day centers. Regulated family day home providers must be trained in the administration of epinephrine and notify parents if stock epinephrine will be available.

2023 LEGISLATION: BACKGROUND CHECKS FOR VCPE ACCREDITATION

- **What is the law?**
 - [House Bill 1701](#)
 - § [22.1-289.035](#). Licensed child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.
 - § [22.1-296.3](#). Certain private school employees subject to fingerprinting and criminal records checks.
- **What does the law do?**
 - The legislation allows VCPE to review background check determination letters for purposes of accreditation.
- **Which programs are affected?**
 - Private schools accredited or seeking accreditation through VCPE.

2023 LEGISLATION: BACKGROUND CHECKS FOR VCPE ACCREDITATION

- **What to know or do:**

- VDOE distributed a memo to affected providers to notify them about the updated Code.
- Distributed memos can be found on the "What's New" page on childcare.virginia.gov.

2023 LEGISLATION: AMENDMENT TO EXEMPTIONS- PRIVATE SCHOOL EXEMPTION

- **What is the law?**
 - [Senate Bill 964/House Bill 1713](#)
 - § [22.1-289.030](#). Exemptions from Licensure.
- **What does the law do?**
 - Changes exemption B9, for private school child care, to allow all school-age children to attend (was previously children only 5 and older).
- **Which programs are affected?**
 - Private schools that operate child day programs exempt from licensure under [§ 22.1.289.030 B9](#).

2023 LEGISLATION: AMENDMENT TO EXEMPTIONS— PRIVATE SCHOOL EXEMPTION

- **What to know or do:**

- VDOE distributed a memo to affected providers to notify them about the updated Code.
- Distributed memos can be found on the "What's New" page on childcare.virginia.gov.
- Any new filings will need to meet requirements.
- The filing form will be updated by July 1, 2023, and an exemptions tip table will be posted to the [Filing Exempt webpage](#).
- The process for a child day center to surrender its license if it chooses to be exempt under the new Code language was included in the memo.

2023 LEGISLATION: AMENDMENT TO EXEMPTIONS— PUBLIC SCHOOL EXEMPTION

- **What is the law?**
 - [House Bill 1698](#)
 - § [22.1-289.030](#). Exemptions from licensure.
- **What does the law do?**
 - Changes exemption §22.1.289.030 B7 for public school child care to allow operation for more than 4 hours per day on shortened instructional days or noninstructional days.
- **Which programs are affected?**
 - Public schools that operate child day programs exempt from licensure under §22.1.289.030 B7.

2023 LEGISLATION: AMENDMENT TO EXEMPTIONS— PUBLIC SCHOOL EXEMPTION

- **What to know or do:**

- VDOE distributed a memo to affected providers to notify them about the updated Code.
- Distributed memos can be found on the "What's New" page on childcare.virginia.gov.
- Any new filings will need to meet requirements.
- The filing form will be updated by July 1, 2023, and an exemptions tip table will be posted to the [Filing Exempt webpage](#).
- The process for a child day center to surrender its license if it chooses to be exempt under the new Code language was included in the memo.

2023 LEGISLATION: PENALTY FOR ILLEGALLY OPERATING PROVIDERS

- **What is the law?**
 - [House Bill 1636](#)
 - § [18.2-371.1](#). Abuse and neglect of children; penalty; abandoned infant.
- **What does the law do?**
 - Technical amendment to the Code that was omitted when oversight of child care programs transferred to VDOE.
 - Updates the Code to include knowingly operating an illegal child day program or family day system without a license where a child is seriously injured as a Class 4 felony.
- **Which programs are affected?**
 - Applicable to all child day programs and family day systems

2023 LEGISLATION: PENALTY FOR ILLEGALLY OPERATING PROVIDERS

- **What to know or do:**

- VDOE distributed a memo to all providers to notify them about the updated Code.
- Distributed memos can be found on the "What's New" page on childcare.virginia.gov.
- Continued efforts to educate the public about licensure requirements and operating legal child care in Virginia.

2023 LEGISLATION: COMMISSION ON EARLY CHILDHOOD CARE & EDUCATION

- **What is the law?**
 - [Senate Bill 1404/House Bill 1423](#)
 - § [2.2-208.1](#). Commission on Early Childhood Care and Education.
- **What does the law do?**
 - Establishes the Commission on Early Childhood Care and Education (formerly the School Readiness Committee).
- **Which programs are affected?**
 - N/A

2023 LEGISLATION: COMMISSION ON EARLY CHILDHOOD CARE & EDUCATION

- **What to know or do:**

- VDOE distributed a memo to all providers to notify them about the updated Code.
- Distributed memos can be found on the "What's New" page on childcare.virginia.gov.

2023 LEGISLATION: EPINEPHRINE AMENDMENT

- **What is the law?**
 - [Senate Bill 1146](#)/[House Bill 2140](#)
 - § [22.1-289.059](#). Possession and administration of an appropriate weight-based dosage of epinephrine by employees.
- **What does the law do?**
 - Amends and reenacts § [22.1-289.059](#) of the Code of Virginia. Requires the VBOE to amend regulations for child day centers and family day homes. Requires each child day center to have at least one trained staff member and one weight-appropriate dosage of emergency epinephrine during operating hours. Requires each family day home to have one caregiver trained and to notify parents as to whether the provider keeps stock epinephrine at the facility. Removes requirement for Family Day Systems to stock epinephrine.
- **Which programs are affected?**
 - Licensed CDCs
 - Licensed FDHs
 - VR-FDHs
 - Subsidy-approved centers and homes

2023 LEGISLATION: EPINEPHRINE AMENDMENT

- **What to know or do:**

- VDOE is collaborating with VDH partners on implementation.
- VDOE will establish protocol, training requirements, and resources for providers. This process involves either an official guidance document or a regulatory action.
- VDOE is also exploring funding resources.
- Implementation is delayed pending amendment of regulations and any other additional requirements for providers.

2023 LEGISLATION: EPINEPHRINE AMENDMENT

- **Option right now for providers**
 - § [54.1-3408 D](#) allows trained and authorized staff to possess and administer epinephrine with an order or standing protocol issued by an authorized prescriber obtained by the provider.
 - Licensed child day programs looking to implement stock epinephrine prior to the regulations being amended must request and be approved for an Allowable Variance (AV). Contact your inspector for an AV request form.
 - Purchase epinephrine through local pharmacy (note: some local pharmacies do not provide stock epinephrine based on a standing order).

EPINEPHRINE IMPLEMENTATION

- **Thinking ahead**

- Create policy
- Determine which staff will be trained
- Document training and update annually or as needed
- Obtain epinephrine dosed for children in care
- Obtain safe storage: locked or inaccessible to children
- Obtain sharps box for safe disposal
 - <https://safeneedledisposal.org/states/virginia/>;
 - <https://www.verywellhealth.com/how-to-dispose-of-an-expired-or-used-epipen-1324217#toc-how-to-dispose-of-used-auto-injectors>
- Documentation/Forms/ Process for ensuring medication safety, administration, etc.

Legislation from Previous Years: Progress Updates

2020 LEGISLATION: DRINKING WATER LEAD TESTING

- **What is the law?**
 - § [22.1-289.057](#). Child day programs and certain other programs; potable water; lead testing.
- **What does the law do?**
 - Requires licensed child day programs and certain license-exempt child day programs serving preschool age children to plan for and implement testing of their sources of drinking water for lead; to share the plan and test results with Virginia Department of Health's Office of Drinking Water; and to remediate the level of lead in drinking water if necessary.
- **Which programs are affected?**
 - Licensed Child Day Centers
 - Licensed Family Day Homes
 - Religious Exempt Child Day Centers
 - Certified Preschools

2022 LEGISLATION: DRINKING WATER LEAD TESTING

- **What to know or do:**

- VDOE is partnering with VDH Office of Drinking Water (ODW) on implementation.
- Some funding will be available for licensed programs to assist with compliance.
- Prior to implementation, a separate memo will be distributed once process and procedures are determined.

VIRGINIA DEPARTMENT OF HEALTH OFFICE OF DRINKING WATER

Lead Testing Program:

- Objectives: Identify sources of lead in drinking water, reduce childhood lead exposure, and connect facilities to funding for remediation.
- 2 EPA WIIN grants:
 - WIIN 2107- assists in funding for schools and licensed child care facilities
 - WIIN 2105- supports remediation efforts
 - Priority funding for:
 - Communities >50% of students on reduced/free meals;
 - Schools and licensed child care programs that serve children under 6; and
 - Facilities built before 1985.
 - Currently engaging vendors and building out operations for the Fall.

Questions?

RESOURCES FOR PROVIDERS

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- You can also find this information and any additional memos distributed to providers on the "What's New" page on childcare.virginia.gov.
- Be sure to sign up for Readiness Connections:
<https://www.doe.virginia.gov/teaching-learning-assessment/early-childhood-care-education/readiness-connections-update>

OFFICE OF CHILD CARE HEALTH AND SAFETY

Home Office: childcarelicensing@doe.virginia.gov

Regional Offices	Phone	Email
Central	804-840-3662	central.cclicensing@doe.virginia.gov
Eastern	757-570-9419	eastern.cclicensing@doe.virginia.gov
Fairfax	703-581-5885	fairfax.cclicensing@doe.virginia.gov
Northern	540-430-2526	northern.cclicensing@doe.virginia.gov
Peninsula	833-457-3061	peninsula.cclicensing@doe.virginia.gov
Piedmont	540-309-0618	piedmont.cclicensing@doe.virginia.gov
Valley	804-921-7688	valley.cclicensing@doe.virginia.gov
Western	276-608-3758	western.cclicensing@doe.virginia.gov