

EARLY CHILDHOOD CARE AND EDUCATION: LEGISLATIVE UPDATES

Office of Child Care Health and Safety

June 20, 2024



INTRODUCTIONS

Office of Child Care Health and Safety

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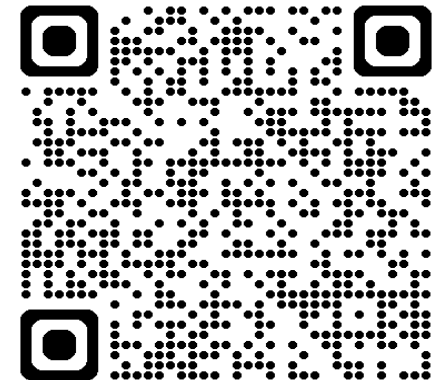
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HOUSEKEEPING

AFTER THE WEBINAR:

- This webinar is being recorded and will be posted on the What's New page on childcare.virginia.gov.
- You can also find this information on the "What's New" page on childcare.virginia.gov.
- Please send questions to childcarelicensing@doe.virginia.gov.
- A Frequently Asked Questions (FAQ) document will be available for reference on childcare.virginia.gov.





2024 GENERAL ASSEMBLY RECAP AND LEGISLATIVE CHANGES IMPACTING CHILD CARE IN VIRGINIA

AGENDA

I. The Legislative Process

II. Overview of 2024 Legislation

III. 2024 Legislation

- Provisional Hire
- Dissemination of Background Checks
- Ratio Waivers
- Virginia Preservice Training
- Voluntarily Registered Family Day Homes- Safe Sleep
- Military Child Care Exemptions
- Zoning; Use of Office Buildings

IV. Update: Potable Water Lead Testing and Stock Epinephrine

V. Resources

THE LEGISLATIVE PROCESS

1. A citizen (or “constituent”) shares an issue and potential legislative solution with his or her delegate or senator.

2. The Delegate (House) or Senator (Senate) prepares a bill to solve the problem.

3. The bill is assigned to a committee. If a bill passes a committee, it moves on to the full body (House or Senate).

4. If the full body votes in favor of the bill, it will move on to the other body (House or Senate) after “crossover” during the General Assembly legislative session.

5. If the bill passes both chambers of the legislature, it will move on to the Governor for a signature. The Governor can enact, amend, or veto. Enacted bills become laws. Laws take effect on July 1st.

6. Agencies impacted by legislation (e.g., VDOE) plan to implement and/or determine compliance with the law as written and required.

<https://viriniageneralassembly.gov/>



2024 LEGISLATION: OVERVIEW

- **Virginia Department of Education**- Close to 100 pieces of legislation impacting education overall.
- **The Office of Child Care Health and Safety**- 8 pieces of legislation impacting child care. The Appropriations Act also impacts child care.
- VDOE distributed memos to affected providers to provide information about the updated Code.
- Distributed memos can be found on the "What's New" page on childcare.virginia.gov.

2024 GENERAL ASSEMBLY RECAP

Bill #	What the bill does
HB1277 : Provisional Hire	Allows provisional hire if a National Fingerprint check has been completed and satisfactory results have been received
HB508 : Dissemination of Background Checks	Allows dissemination of background checks to and by an entity designated by the Department that provides staffing for child day programs
Appropriations Act : Staff-to-Child Ratios Waiver	Allows the Superintendent to alter staff-to-child ratios and group sizes by increasing the staff-to-child ratio by 1 child (birth up to school age) or 2 children (school age and older) through June 30, 2026
HB1024 : Virginia Preservice Training	Directs VDOE to review the Virginia Preservice for Child Care Staff course
HB358 : Voluntarily Registered Requirements for Safe Sleep	Requires VDOE to update the Health and Safety checklist to include safe sleep practices for voluntarily registered FDH programs
SB702/ HB739 : Military Child Care Exemption	Creates exemption from licensure for certain military child care
SB13/ HB281 : Use of Office Buildings; Waiver	Permits locality to grant waivers for the use of office buildings for the operation of child day programs

2024 LEGISLATION: PROVISIONAL HIRE

- **What is the law?**
 - [HB1277](#)
 - [§ 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
- **What does the law do?**
 - Allows provisional hire if a National Fingerprint check has been completed and satisfactory results have been received
- **Which programs are affected?**
 - All regulated child day programs and family day systems

2024 LEGISLATION: PROVISIONAL HIRE

- **What to know or do:**

- VDOE distributed a memo to providers to provide information about the updated Code. Please review the memo for additional information on background check requirements.
- Applies only to new applicants for employment and volunteering hired on or after July 1, 2024.
- Provisionally hired employees and volunteers must be in the line of sight of at least one other staff member who has a complete and satisfactory background check and must not be left alone with children until all components of the background checks required in § 22.1-289.035 of the Code of Virginia are received.
- Effective July 1, 2024, all background checks required in § 22.1-289.035 of the Code of Virginia must be requested **prior to employment or volunteering.**

2024 LEGISLATION: DISSEMINATION OF BACKGROUND CHECKS

- **What is the law?**

- [HB508](#)

- [§ 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

What does the law do?

- Allows dissemination of background checks to and by an entity designated by the Department that provides staffing for child day programs

- **Which programs are affected?**

- All regulated child day programs and family day systems

2024 LEGISLATION: DISSEMINATION OF BACKGROUND CHECK CHECKS

- **What to know or do:**

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

2024-2026 APPROPRIATIONS ACT: RATIO WAIVERS

- **What is the law?**
 - [Appropriations Act \(Budget\)](#)
 - Item 125.10 G. Early Childhood Care and Education
- **What does the law do?**
 - Allows the Superintendent to alter staff-to-child ratios and group sizes by increasing the staff-to-child ratio by 1 child (birth up to school age) or 2 children (school age and older) through June 30, 2026
- **Which programs are affected?**
 - Licensed child day centers
 - Centers that are approved subsidy vendors

2024-2026 BUDGET: RATIO WAIVERS

- **What to know or do:**

- VDOE distributed a memo to providers describing the requirements, process, and instructions for submitting the waiver request.
- The current waivers in effect expire June 30, 2024. Providers currently utilizing the waiver who wish to continue must submit a request to VDOE and must be approved prior to expiration.

2024 LEGISLATION: VIRGINIA PRESERVICE TRAINING

- **What is the law?**
 - [HB1024](#)
 - § 1. The Department of Education shall 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 shall 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
- **What does the law do?**
 - Directs VDOE to review the Virginia Preservice for Child Care Staff course
- **Which programs are affected?**
 - Licensed child day centers
 - Centers and homes that are approved subsidy vendors

2024 LEGISLATION: VIRGINIA PRESERVICE TRAINING

- **What to know or do:**

- VDOE distributed a memo to all providers to provide information about the updated Code.
- 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 [subscribe](#) to the newsletter to ensure you are receiving alerts and announcements.

2024 LEGISLATION: VOLUNTARILY REGISTERED FDH- SAFE SLEEP REQUIREMENTS

- **What is the law?**
 - [HB358](#)
 - § 1. The Department of Education shall update its Voluntary Registration Health and Safety Checklist for any family day home that is voluntarily registered pursuant to § [22.1-289.015](#) of the Code of Virginia to include safe sleep practices
- **What does the law do?**
 - Requires VDOE to update the Health and Safety checklist to include safe sleep practices for voluntarily registered FDH programs
- **Which programs are affected?**
 - Voluntarily Registered Family Day Homes

2024 LEGISLATION: VOLUNTARILY REGISTERED FDH-SAFE SLEEP REQUIREMENTS

- **What to know or do:**

- Revised checklist was provided with the legislative memo distributed to voluntarily registered child day programs and includes new information about safe sleep.
- Beginning September 1, 2024, VDOE will require all new and renewal applicants for voluntary registration to use the updated checklist.

2024 LEGISLATION: MILITARY CHILD CARE EXEMPTION

- **What is the law?**
 - [SB702/HB739](#)
 - [§ 22.1-289.030](#). Exemptions from Licensure
- **What does the law do?**
 - Creates exemption from licensure for certain types of military child care:
 - (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

2024 LEGISLATION: MILITARY CHILD CARE EXEMPTION

- **Which programs are affected?**
 - Licensed Child Day Centers
 - Licensed Family Day Homes
 - Voluntarily Registered Family Day Homes
 - Certified Preschools
 - Religiously Exempt Child Day Centers
 - Filing Exempt Child Day Programs
 - System Approved Homes

2024 LEGISLATION: MILITARY CHILD CARE EXEMPTION

- **What to know or do:**

- These exempt programs must file with the Department prior to operation and annually thereafter and meet all requirements for exemptions pursuant to § 22.1-289.030.
- The filing form will be updated by July 1, 2024, and an exemptions tip table will be posted to the [Filing Exempt webpage](#).
- Effective July 1, 2024, initial and annual filings to be submitted via the [online portal](#). Providers will complete a Statement of Exemption form and upload it through the portal.
- A [quick reference guide](#) on how to use the portal is available on the Department's child care website.
- The process for a child day center to surrender its license or registration if it chooses to operate exempt from licensure under the new exemption in the Code was included in the memo.

2024 LEGISLATION: USE OF OFFICE BUILDINGS; WAIVER

- **What is the law?**
 - [SB13/ HB281](#)
 - [§ 15.2-2292.2](#). Waiver of zoning permit requirements; child day programs
- **What does the law do?**
 - Permits locality to grant waivers for the use of office buildings for the operation of child day programs provided the facility satisfies the requirements for state licensure as a child day program
- **Which programs are affected?**
 - Licensed Child Day Centers
 - Certified Preschools
 - Religiously Exempt Child Day Programs
 - Centers that are Approved Subsidy Vendors
 - Filing Exempt Child Day Programs

2024 LEGISLATION: USE OF OFFICE BUILDINGS; WAIVER

- **What to know or do:**

- Child day programs interested in operating in an office building may be subject to zoning and locality requirements.
- This legislation provides a waiver to allow localities to have policies that would allow child day programs to operate where otherwise prohibited.
- Contact your local zoning or locality business administrator for more information.

Legislation from Previous Years: Progress Updates

POTABLE WATER LEAD TESTING (22.1-289.057)

- **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 (VDH ODW) and the Superintendent; 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 serving preschool age children
 - Certified Preschools serving preschool age children

POTABLE WATER LEAD TESTING (22.1-289.057)

What to know or do:

- Your facility's Licensing Inspector will begin determining compliance with this statute during inspections that take place after **January 1, 2025**.
- Refer to the What's New page on childcare.virginia.gov for resources such as a webinar, slide deck, and frequently asked questions.

What will my inspector want to see?

- Confirmation of plan submission from VDH ODW via portal or e-mail
- Any required communications to parents

What else should I keep on file?

- Testing plan
- Copies of communications to and from VDH ODW
- Copies of communications to and from testing facilities to include analytical reports and findings

It is recommended that facilities maintain documentation at least until 2032. 27

STOCK EPINEPHRINE (22.1-289.059)

- VDOE has initiated a regulatory action to amend regulations as directed in [§ 22.1-289.059](#) of the Code.
- Implementation and compliance will not be determined until there is a firm process for (i) training on the administration of stock epinephrine; (ii) procurement of epinephrine; (iii) and the regulatory action is approved by the Governor and regulations are updated.
- Section [54.1-3408 D](#) of the Code 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 must request and be approved for an Allowable Variance (AV) if they wish to offer stock epinephrine prior to the regulations being updated. Contact your inspector for an AV request form.

Resources

RESOURCES FOR PROVIDERS

- If there are questions on today's information, please send them to childcarelicensing@doe.virginia.gov.
- This webinar is being recorded and will be posted on the "What's New" page on childcare.virginia.gov.
- Find all memos distributed to providers on the "What's New" page on childcare.virginia.gov.
- Be sure to sign up for Readiness Connections to stay informed: <https://www.doe.virginia.gov/teaching-learning-assessment/early-childhood-care-education/readiness-connections-update>.



OFFICE OF CHILD CARE HEALTH AND SAFETY

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Valley	804-921-7688	valley.cclicensing@doe.virginia.gov
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[Regional Licensing Offices Geographic Information](#)

THANK YOU!