



Office of Child Care Health and Safety

Frequently Asked Questions about New Child Care Legislation
August 2024

Overview

Each year, Virginia’s General Assembly works to review, debate, and pass bills that will become new laws for the Commonwealth. Once those bills are enacted, or signed by the Governor, they become laws, typically on July 1 of each year. This document is intended to answer frequently asked questions (FAQs) related to new child care laws that went into effect on July 1, 2024. This FAQ is not intended to be comprehensive and does not provide information on all laws related to child care. For more comprehensive information, please see the “Communications” section below.

Communications

The Office of Child Care Health and Safety (OCCHS) at the Virginia Department of Education (VDOE) e-mailed the following legislative implementation memos to registered providers during the month of June 2024:

- [Memo to Licensed Family Day Homes, Homes Participating in the Child Care Subsidy Program, and Licensed Family Day Systems](#)
- [Memo to Licensed Child Day Centers and Child Day Centers Participating in the Child Care Subsidy Program, Religious Exempt Child Day Centers, and Certified Preschools](#)
- [Memo to Voluntarily Registered Family Day Homes](#)
- [Memo to Filing Exempt Child Day Programs](#)
- [Background Check Requirements, Information, and Updates](#)
- [Temporary Staff to Child Ratio Waiver \(Licensed Child Day Centers and Subsidy Approved Centers\)](#)

Each memo covers the legislation relevant to the provider type. All of the memos are available to the public under “Archive of Notices Sent to Providers” on the [What’s New](#) page of the [Childcare VA](#) website.

In addition, OCCHS hosted a webinar for providers on June 20, 2024. The webinar provided an overview of each new law and updates on the implementation of legislation from previous years. [Click here to view the ECCE Provider Legislative Webinar](#) on the [Childcare VA](#) website.

Virginia Department of Education
Office of Child Care Health and Safety

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Background Checks and Provisional Hire

Question: Can a provisionally hired employee start orientation training if all background checks have not been requested? What does ‘beginning employment’ mean?

Response: No. Effective July 1, 2024, the provider may not employ any individual before first requesting all background checks. Based on agency interpretation, employment begins the date an employee begins to perform services for the child day program, including orientation training. Applicants with a satisfactory fingerprint check may be provisionally hired if supervised by staff with all checks returned and shall remain provisionally hired until all checks are returned. If an applicant does not have a satisfactory fingerprint check and all additional checks have not been requested, the employee may not ‘perform services for the child day program’ to include orientation training,

Question: How should providers document hire date, start date, and provisional employment in the staff’s file?

Response: To determine compliance, the Department will be looking to ensure that for staff working with children, all background checks are either (i) all completed or (ii) at least a qualifying fingerprint check has been completed and returned, all other checks requested, and the staff is working under the supervision of a staff member with completed background checks.

The Department will review staff files to determine the date the employee started working or the ‘start’ date to determine compliance.

Question: Can a provisionally hired staff member work at the center, not supervising children, to complete orientation or other tasks unrelated to the direct care of children?

Response: Yes. If staff has received satisfactory fingerprint results, all other checks have been requested, and the staff is supervised at all times by a person with qualifying results, the staff member may begin work.

Question: Can an applicant begin employment off site to complete training, orientation and paperwork if they are not working with children and not under the supervision of a staff member with all background checks?

Response: No. All staff employed at the center, whether working on-site or off-site must meet the background check requirements prior to beginning employment or performing services for the program. An eligible fingerprint result must be received, all checks requested, and staff must be supervised by another staff member with a completed check.

The Department will update the FAQ as more questions are received.