

# **Office of Child Care Health and Safety: Proposed General Procedures for Licensure and Background Checks (8VAC20-821)**

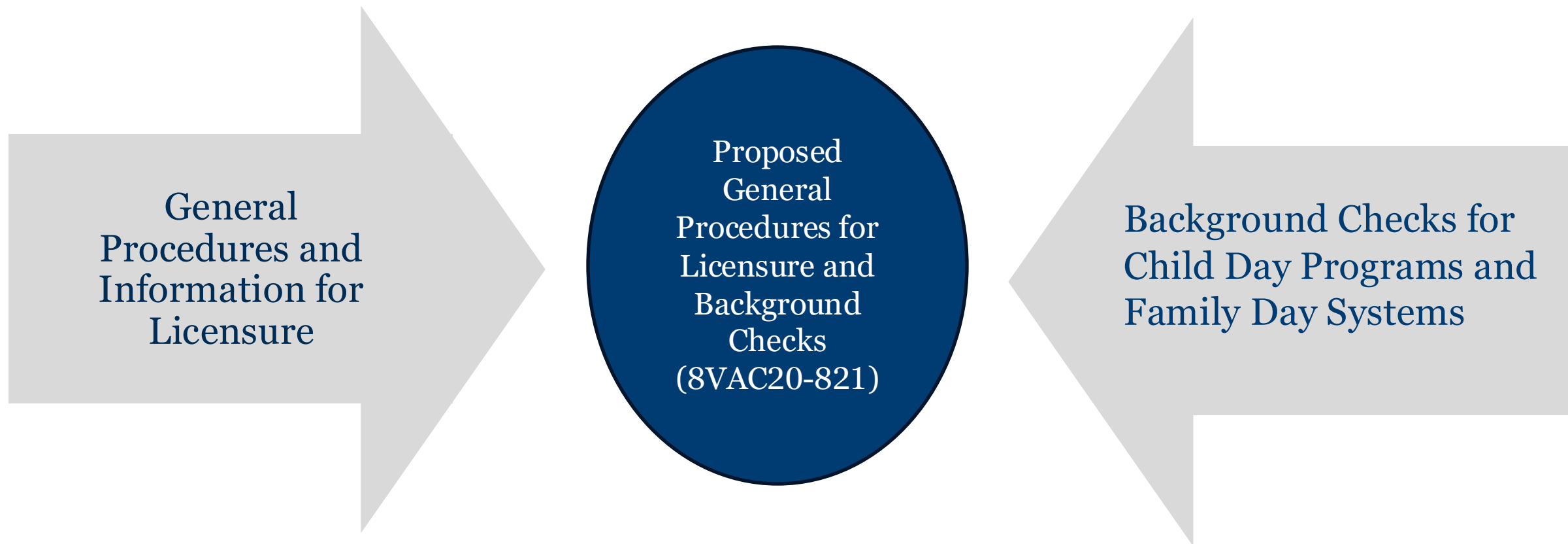
October 22, 2024



# WELCOME AND AGENDA

- Assistant Superintendent welcome and introduction
- Introduction and applicability
- Objective, purpose, and approach
- Regulatory process and timeline
- Public comment
- Overview of structure
- Overview of substantive changes
- Implementation

# INTRODUCTION TO PROPOSED REGULATION



Note: The Fee regulation (8VAC20-830) was also merged into the proposed regulation.

# APPLICABILITY

The combined regulation will be applicable to all licensed **and** regulated programs.

## Licensed Programs

- Licensed Child Day Centers
- Licensed Family Day Homes
- Licensed Family Day Systems

## Regulated Programs

- Unlicensed Subsidy Homes
- Unlicensed Subsidy Centers
- Religiously Exempt Child Day Centers
- Certified Preschools
- Voluntarily Registered Family Day Homes
- System Approved Homes

# OBJECTIVE, PURPOSE, AND APPROACH

Objective: To provide clear directions related to each “phase” of the licensing cycle so that a licensee can find requirements easily.

- Streamlines and operationalizes processes mandated in statutory requirements
- Incorporates language to implement statutory requirements such as background check requirements and the Administrative Process Act
- Clarifies existing regulatory requirements by simplifying language
- Removes unnecessary departmental procedure information

# REGULATORY PROCESS AND TIMELINE

## Step 1. Notice of Intended Regulatory Action) NOIRA

- Office of the Attorney General review
- Department of Planning and Budget review
- Cabinet Secretary review
- Office of Regulatory Management review
- Governor review
- 30-day Public Comment

## Step 2. Proposed Regulation


- Office of the Attorney General review
- Department of Planning and Budget review
- Cabinet Secretary review
- Office of Regulatory Management review
- Governor review
- 60-day public comment
- The Regulation moves on to the Final stage

## Step 3. Final Regulation

- Office of the Attorney General Review
- Department of Planning and Budget review
- Cabinet Secretary review
- Office of Regulatory Management review
- Governor review
- Request from 25+ needed to open public comment if substantive changes or by Governor's request
- The regulation becomes effective based on date set by the Agency

# PUBLIC COMMENT

Submit public comment on the Virginia Regulatory Town Hall now through November 8, 2024

Status	
Attorney General Review	Submitted to OAG: 2/8/2023 Review Completed: 3/29/2024 Result: Certified
DPB Review	Submitted on 3/29/2024 Review Completed: 5/13/2024
Secretary Review	Secretary of Education Review Completed: 8/12/2024
Governor's Review	ORM Review Completed: 8/19/2024 Governor Review Completed: 8/19/2024 Result: Approved
Virginia Registrar	Submitted on 8/21/2024 <a href="#">The Virginia Register of Regulations</a> Publication Date: 9/9/2024  <a href="#">Volume: 41 Issue: 2</a>
Comment Period	 <b>In Progress!</b> Ends 11/8/2024 Currentlv 7 comments

**Agency** Department of Education


**Board** State Board of Education

**Chapter** General Procedures for Licensure and Background Checks [8 VAC 20 - 821] (Under Development)



**Public Comment Forum**

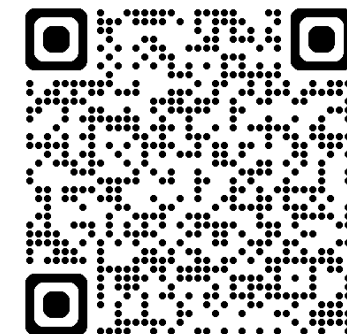
On this Action: [Adopt New Standards for the General Procedures and Information for Licensure](#)

[Proposed Stage - View the regulatory documents](#)

 **In Progress!** Opened on 9/9/2024 and closes at 11:59pm on 11/8/2024

[More about public comment forums and policies](#)

 [Enter a comment](#)  [View all comments](#)



# OVERVIEW OF NEW STRUCTURE (GENERAL PROCEDURES)

Part I	Provides definitions necessary to understand the language of the chapter
Part II	Focuses upon the process for initial licensure, clearly stating all requirements for initial licensure in a single section, and addresses license modifications, variances, and general expectations for the license process
Part III	Provides the process and requirements for renewal
Part IV	Integrates the fee structure into the General Procedures; fees are currently stated in a separate chapter (8VAC20-830)
Part V	Integrates the background check process into the General Procedures; background checks are currently stated in a separate chapter (8VAC20-770)
Part VI	Sets out standards of conduct for licensees
Part VII	Consolidates the first- and second-step reviews into a single review process
Part VIII	Addresses sanctions, including administrative sanctions, revocation, summary suspension, and consent agreements.
Part IX	Provides licensees notice of the statutory rights of appeals related to sanctions



# OVERVIEW OF STRUCTURE (GENERAL PROCEDURES)

## New Sections

- 8VAC20-821-20. Necessity for license
  - Describes who is required to obtain a license from the Superintendent
- 8VAC20-821-40. Qualifications for licensure
  - Sets out the qualifications for licensure in a single location to provide greater direction and clarity to applicants
- 8VAC20-821-140. Application fees nonrefundable; application date
  - Includes additional clarifications of process
- 8VAC20-821-150. Application fees
  - Establishes a consistent two-year licensing fee
- 8VAC20-821-170 through 8VAC20-821-230
  - Explains background check requirements

# OVERVIEW OF STRUCTURE (GENERAL PROCEDURES)

## **New Sections**

- 8VAC20-821-250. Maintenance of license
  - Reviews notifications to the Department of changes to program information
- 8VAC20-821-260. Provision of records to the superintendent
  - Addresses records requested by the Department and responsibility of the licensee to provide such records
- 8VAC20-821-270. Prohibited acts
  - Establishes a clear set of prohibited acts for which applicants and licensees may be subject to enforcement or sanction

# OVERVIEW OF SUBSTANTIVE CHANGES

## Licensure requirements and process

- Functional design approval encouraged but no longer required
- Changes in location are no longer considered non-transferrable
- Requirement to disclose license history

## Terms of licenses and renewal process

- Term of licenses -2- year licenses applicable to all programs

# OVERVIEW OF SUBSTANTIVE CHANGES

## Fee requirements

- Includes clarification of existing fee requirements and establishes a six-month time frame for applications to be completed
- Establishes a two-year licensing fee in lieu of installment fees
- Incorporated current fee schedule reflecting a two-year license term
- No increase in cost

# OVERVIEW OF SUBSTANTIVE CHANGES

## Current Fee Schedule (8VAC20-820)

Capacity*	1 Year	2 years	3 Years
1-12	\$14	\$28	\$42
13-25	\$35	\$70	\$105
26-50	\$70	\$140	\$210
51-75	\$105	\$210	\$315
76-200	\$140	\$280	\$420
201 & up	\$200	\$400	\$600
Short- Term Programs			
1-50	\$25	\$50	\$75
51 & up	\$50	\$110	\$150
Flat Fees			
*Family Day Care systems	\$70	\$140	\$210

## 2-Year Licensing Fees (8VAC20-821)

Capacity	Two-Year Licensing Fee
1-12	\$28
13-25	\$70
26-50	\$140
51-75	\$210
76-200	\$280
201 and up	\$400
Short-Term Programs	
1-50	\$50
51 & up	\$110
Flat Fees	
Family Day Systems	\$140

# OVERVIEW OF SUBSTANTIVE CHANGES

## Background check requirements

- Sections 8VAC20-821-170 through 8VAC20-821-230
- Refers to background check requirements pursuant to the Code of Virginia (no changes)
- Incorporates instruction for those who must obtain out-of-state child abuse and neglect registry and criminal history record searches
- Aligns regulatory text with requirements in the Code of Virginia
  - Does not include a 30-day grace period for Virginia Child Abuse and Neglect Search results or the Out-of-State Child Abuse and Neglect Search requests.
  - Refer to OCCHS memo '[Background Check Requirements, Information, and Updates](#)' dated June 7, 2024

# OVERVIEW OF SUBSTANTIVE CHANGES

## Appeal and review processes for inspection findings

- Administrative process and appeals
- Procedures for administrative hearings will be communicated to the licensee in consultation with the Office of the Attorney General and in accordance with applicable laws
- Consolidates the first- and second-step reviews into a single review process. Reduction in appeal rights allowed by the Department but not Codified

# OVERVIEW OF SUBSTANTIVE CHANGES

## Enforcement and sanctions

- Removed specific sanction reference chart and defaults to the Administrative Process Act in the Code
- Establishes clear expectations with respect to the conduct of licensees and prohibited acts

## Denial and revocation of licenses

- Does not restrict consent agreements to instances where the agency intends to revoke or deny a license



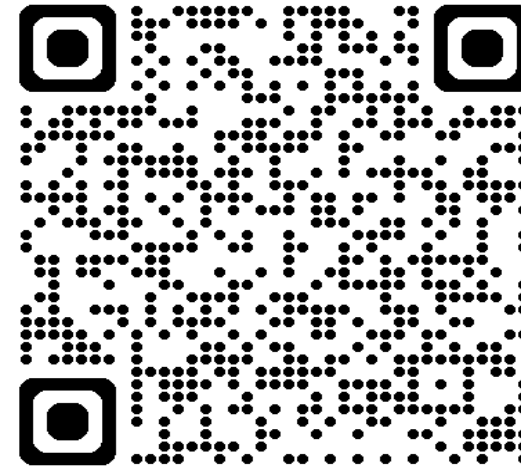
# IMPLEMENTATION

- Step 1: The Department will review and consider all comments prior to developing final regulation
- Step 2: Early Childhood Advisory Committee endorsement will be obtained prior to taking the final regulation back to the Board of Education
- Step 3: Executive review and Governor approval needed
- Step 4: Training and education will be provided prior to implementation

# THANK YOU FOR JOINING US TODAY

Please visit the Virginia  
Regulatory Town Hall to:

- Submit public comment
- View proposed text
- View Executive level review and analysis
- View detailed information on changes



<https://townhall.virginia.gov/L/ViewStage.cfm?stageid=9793>

All comments and questions regarding the proposed regulation must be submitted via the formal public comment process and forum established by the Virginia regulatory process