

DRAFT STANDARDS (8VAC20-781) FOR LICENSED CHILD DAY CENTERS

July 25, 2024



VIRGINIA DEPARTMENT OF EDUCATION

OVERVIEW

Since December 2021, the VDOE has worked with the Early Childhood Advisory Committee (ECAC), stakeholders in the field and the Board of Education to revise the Standards for Licensed Child Day Centers (8VAC20-781).

These Standards provide criteria for licensing and evaluating the health and safety of care that children receive in licensed child day centers.

Areas Covered:

- Review of Process and Goals
- Overall Highlights
- Comparison of Standards
- Cost Impact

PROCESS FOR REVISING REGULATIONS

- The VDOE established a workgroup in December 2021 to help revise the regulations.
- The workgroup (i) completed a comprehensive review and (ii) produced recommendations for ECAC.
- The workgroup consisted of multiple stakeholders and spent a year reviewing the standards. Members dedicated 20+ hours of time.
- The workgroup had to balance multiple and, at times, competing priorities:
 - *Ensuring alignment with state and federal law;*
 - *Protecting the health, safety and well-being of children;*
 - *Considering the cost and operational impact of regulations; and*
 - *Reducing any burdensome requirements.*
- In April 2023, the ECAC reviewed the draft regulation and recommended changes. Changes were made and the draft regulations were endorsed.
- The Board approved the Notice of Intended Regulatory Action (NOIRA) in June 2023 which went out for public comment in January 2024.
- Regulations were revised again based on public comment. On May 29, 2024, the revised regulations were endorsed by the ECAC for first review by the Board.

GOALS OF THE REVISED REGULATIONS

Our shared goals for revising the child care center regulations are to:

- Improve compliance;
- Reduce duplication;
- Increase flexibility;
- Strengthen child protection;
- Ensure alignment with the federal Child Care and Development Fund (CCDF) regulations and compliance with new state laws;
- Align standards with national safety standards and updated research; and
- Comply with the Governor's Executive Order 19.

OVERALL HIGHLIGHTS

Revised regulations provide better health and safety protections, are clearer, have fewer words and are more flexible than current regulations.

Ratio Flexibility	Staffing Flexibility	Reduced Administrative Burden
<ul style="list-style-type: none">• Increase ratios for school-age children.• Adds variance process for ratio and group sizes.	<ul style="list-style-type: none">• Expanded qualifications for lead teachers, directors and director-designees to help with recruitment, hiring and staffing.• Increases flexibility for staffing at beginning and end of day.• Allows the Virginia Preservice training* and director prelicensure training (14 hours) to count toward annual training hours. All required training except for orientation now counts towards annual training requirement (16 hours).	<ul style="list-style-type: none">• Reduces duplication of effort for documentation of immunization and physical examinations for school-age children.• Reduces unnecessary testing by removing repeat TB testing.• Deletes redundant section on policies and procedures and removes additional requirements.• Reduces onerous documentation requirements.

**In response to state law, the VDOE is currently reviewing the Preservice Training for accuracy, relevance and alignment.*

REVIEW OF PUBLIC COMMENT

The current revised version reflects significant revisions 1) based on public comment and 2) ECAC review following public comment.

- The Public Comment on the NOIRA ended on January 31, 2024.
- More than 550 specific comments were received from 240+ commenters.
- Top concerns included:
 - Policies and procedures
 - Training and orientation
 - Qualifications
 - Recordkeeping (topical ointment, attendance)
 - Safe sleep
 - Mixed age playground use
 - Screen time
 - School-age supervision
 - Handwashing
 - Reptiles and other pets
 - Epinephrine
 - Drinking water lead testing

COMPARISON OF REGULATIONS

These revised regulations provide better health and safety protections, have fewer words and are more flexible than the current regulations.

8VAC20-780

- Pages = 67
- Word Count = 26,920

8VAC20-781

- Pages = 53
- Word Count = 21,902

- Prior regulatory text was confusing. Revised regulations seek to be as provider-friendly as possible, including reorganization of topics.
- Regulations reflect reorganized standards to group similar content areas together and to allow for ease of use by providers.
- Regulation removes general requirements that are not directly specific to the safety of children but are more related to business practice.

NECESSARY NEW STANDARDS

New requirements:

- These regulations have a minimal number of added requirements.
- They also use specific terminology to better align the standards with state and federal requirements, encourage best-in-class practices, and support the Commonwealth's efforts to unify the early childhood care and education system.

Examples: replacing "program leader" and "program director" with "lead teacher" and "director"; adding "fall height" and replacing "fall zones" and "resilient surfacing" with "use zones" and "protective surfacing."

New regulations:

- New regulations have been added to better protect children, typically based on state or federal requirements or best-in-class, evidence-based practices.

Examples: enhancing requirements around choking, handwashing, safe sleep practice, swim safety and outdoor play areas; and adding lead assessments in buildings built before 1978.

- Version includes regulations related to two new state laws: stock epinephrine and lead testing of drinking water.

COST IMPACT

The VDOE has produced a high-level cost analysis of the new regulations in consultation with the fiscal experts who analyzed the cost of child care for Virginia.

- The regulatory flexibility provides for potential net revenue of \$35,902.40 per center.
- Increased ratios and additional flexibility enable programs to be more cost-efficient and may potentially increase revenue and decrease expenses.
- Removing burdensome administrative requirements may save staff time and cost.
- New regulations may require purchases, increase operating expenses or require more staff time.

Estimated Costs (Total = \$2701.03 and one-time cost of \$200)

\$1657.89 for staff time for training and materials for epinephrine.
\$331.30 for staff time on administrative duties.
\$52.15 for staff time to complete program-based orientation.
\$52.59 for staff time to complete prelicensure orientation.
\$64.32 in materials costs for restroom supplies.
\$87.50 in staff time and materials to launder classroom items.
\$414.00 for the purchase of rest mats.
\$41.28 in materials for diapering supplies.
A one-time cost of \$200 is estimated for potable water lead testing.

Estimated Benefits (Total = \$38,803.43)

\$126.88 as a result of a reduction in staff time reviewing children's records.
\$618.96 as a result of reduction in training costs.
\$10.71 reflecting reduced staffing requirements.
\$37,600 as a result of increased staff-to-children ratios.
\$14.10 as a result of reduced staff time with tracking children's records.
\$78.88 as a result of reduced staff time associated with staff records.
\$331.30 as a result of reduced staff time associated with children's health records.
\$8.50 as a result of removing the requirement for activated charcoal.
\$14.10 as a result of reduced staff time associated with documentation.