



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: G

Date: October 24, 2024

Title: Final Review of Proposed New Standards for Licensed Child Day Centers (8VAC20-781)

Presenter: Jenna Conway, Deputy Superintendent, Early Childhood Care and Education

Purpose of Presentation

Action required by state or federal law or regulation.

Executive Summary

Chapters [860](#) and [861](#) of the 2020 Acts of the General Assembly transferred the regulations governing the implementation and oversight of early childhood care and education (ECCE) programs from the Board of Social Services to the Virginia Board of Education (Board). Funding and oversight of ECCE programs and policies, including the Child Care Subsidy Program and child care licensing and monitoring transitioned to the Virginia Department of Education (VDOE) from the Virginia Department of Social Services on July 1, 2021. This regulatory action seeks to repeal and replace the Standards for Licensed Child Day Centers regulation in accordance with the authority described in Chapters 860 and 861.

The regulation, Standards for Licensed Child Day Centers (8VAC20-780) describes health and safety requirements and provides standards to protect children under the age of 13 years who are separated from their parents during part of the day by reducing risks in centers and ensuring that activities, services, and facilities of centers are conducive to the well-being of children.

This regulatory action will repeal the existing regulation and replace it with a comprehensive document that will restructure and reformat content by subject matter, improve understanding and interpretation leading to enhanced compliance, enhance the safety of children receiving care, and ensure consistency with the Code of Virginia and federal requirements. The Notice of

Intended Regulatory Action (NOIRA) was accompanied with the preliminary draft presented to this Board in June of 2023. In December of 2023, the Governor approved the NOIRA to repeal current Standards for Licensed Child Day Centers (8VAC20-780) and replace with a new regulation. The NOIRA closed for public comment on January 31, 2024, in which more than 240 comments were received. The current draft reflects a multi-year review process with extensive stakeholder input and endorsements at multiple steps in the process from the Early Childhood Advisory Committee (ECAC). Most recently, following public comment, the VDOE presented a revised version to the ECAC on May 29, 2024, and received full endorsement.

This item supports Priority 1 of the Board’s Comprehensive Plan to provide high-quality learning environments for all students.

Action Requested

Action is requested at this meeting.

Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed comprehensive revisions to the Standards for Licensed Child Day Centers.

Rationale for Action

Board action is required to initiate the regulatory process to adopt new *Standards for Licensed Child Day Centers*.

Previous Review or Action

Previous review or action.

Date: [July 25, 2024](#)

Action: [First Review of Standards for Licensed Child Day Centers \(proposed stage\)](#)

Background Information and Statutory Authority

Section [22.1-289.03](#) of the *Code of Virginia* states, in part, that “[t]he Board shall establish a statewide unified public-private system for early childhood care and education system in the Commonwealth to ensure that every child has the opportunity to enter kindergarten healthy and ready to learn. Such system shall be administered by the Board, the Superintendent and the Department.”

Section [22.1-289.046](#)(A) of the *Code of Virginia* states, in part, the following:

The Board shall adopt regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed under this chapter, which shall be designed to ensure that such activities, services, and facilities are conducive to the welfare of the children under the control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include matters relating to the sex, age, and number of children and other persons to be maintained or cared for, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation, or accreditation services of any single private accreditation or certification agency.

Stakeholder Engagement

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 these regulations.

- The VDOE, in partnership with the ECAC, 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 more than 20 hours of time.
- 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.
- More than 550 specific comments were received from 240+ commenters.
- Regulations were revised again based on public comment.
- On May 29, 2024, ECAC endorsed the proposed regulations.
- On September 12, 2024, the VDOE presented additional amendments to ECAC and received endorsement with the addition of minor additional amendments. One issue that surfaced is regarding space requirements for children that would bring all new licensed child day centers into compliance with current space requirements and the removal of grandfathering new programs in buildings previously licensed under a less

stringent requirement. ECAC members supported extending a current allowance for subsequent licensees in buildings previously approved with the caveat that the Department would prepare data and research to support the current space requirement and consider a change to be presented at the next scheduled meeting.

Implementation and Communication

If approved by the Board, the proposed regulation will be submitted to the Virginia Town Hall for a 60-day public comment period pursuant to the requirements of the Administrative Process Act.

Impact on Fiscal and Human Resources:

There is no fiscal impact of this action.