

FINAL REVIEW: STANDARDS (8VAC20-781) FOR LICENSED CHILD DAY CENTERS

October 24, 2024



VIRGINIA DEPARTMENT OF EDUCATION

OVERVIEW

Since December 2021, 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:

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

EXTENSIVE STAKEHOLDER ENGAGEMENT

December 2021
Workgroup
established with
multiple stakeholders

April 2023
ECAC reviewed draft
regulations and
endorsed with changes

January 2024
NOIRA and draft
went out for public
comment

July 2024
Board received
draft for first
review

*January 2022 –
March 2023*
Workgroup met for
20+ hours to review
regulations and
produce
recommendations

June 2023
Board approved the
Notice of Intended
Regulatory Action
(NOIRA)

May 2024
ECAC reviewed
updated draft
and endorsed
with changes

September 2024
ECAC reviewed
updated draft
and endorsed
with changes

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 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.*

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 = 21,767

- 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 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.
- Regulations preserve certain grandfathering clauses related to square feet requirements per children.

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.