



#060-22

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #060-22**

DATE: March 11, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **Out-of-School-Time and Child Care Licensing**

All Virginia children are capable of and should have the opportunity to enter school ready. In response, the 2020 General Assembly passed House Bill 1012 (a.k.a. Early Childhood Unification Law) to move the oversight of child care from the Virginia Department of Social Services (VDSS) to the Virginia Department of Education (VDOE). Child care licensure and regulation transferred to the newly established Office of Child Care Health and Safety (OCCHS) at the VDOE on July 1, 2022. OCCHS will continue the work of licensing and inspecting programs for health and safety requirements as it did previously, but also carry out the vision for early childhood education in Virginia.

For years the OCCHS team has worked closely with many school divisions and their community partners to support out-of-school-time programming. OCCHS would like to connect with other school divisions and community partners who are currently offering or looking to offer out-of-school-time programming.

In line with the information below, if a school division offers programming outside of a typical "school day," it is encouraged to consult with legal counsel to determine whether the program needs to be licensed or meets an exemption to licensure as outlined in the *Code of Virginia* (§ 22.1-289.030. Exemptions from licensure). This is especially true if the school division is contracting or partnering with another entity to offer the programming. In some

instances, a school division may need to submit an application for licensure or file for an exemption with OCCHS.

If a program is...	Then...
operated by a local school division, operated for no more than four hours per day, and staffed by local school division employees;	the program may be considered exempt in accordance with § 22.1-289.030 of the <i>Code of Virginia</i> . Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.
a school-sponsored extracurricular activity that is focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;	the program may be considered exempt in accordance with § 22.1-289.030 of the <i>Code of Virginia</i> .
offered by a local government, staffed by local government employees, and attended by school-age children;	the program may be considered exempt in accordance with § 22.1-289.030 of the <i>Code of Virginia</i> .
operated by an outside organization, but located on school grounds;	the program may need to be licensed if it is not staffed with school division employees and cannot otherwise be considered exempt under § 22.1-289.030 of the <i>Code of Virginia</i> .
operated by an outside organization and located in a community space;	the program may need to be licensed if it is not staffed with school division employees and cannot otherwise be considered exempt under § 22.1-289.030 of the <i>Code of Virginia</i> .

The OCCHS is available to respond to questions regarding being exempt from licensure or becoming licensed, and all the team members of the Division of Early Childhood Care and Education look forward to continuing to partner with school divisions in the future.

For more information

Please contact Jeff Williams, Director of the Office of Child Care Health and Safety, at Jeff.Williams@doe.virginia.gov or 804-489-6079.

JB/jsw