

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 61

*An Act to amend and reenact § 63.1-196.001 of the Code of Virginia, relating to child day programs exempt from licensure.*

[S 380]

Approved March 9, 2000

**Be it enacted by the General Assembly of Virginia:**

**1. That § 63.1-196.001 of the Code of Virginia is amended and reenacted as follows:**

§ 63.1-196.001. Exemptions from licensure.

A. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 63.1-196.3.

2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than twenty-five days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds twenty-five days in a three-month period.

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or twelve hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

5. A program that operates no more than a total of twenty program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

7. Education and care programs provided by public schools which are not exempt pursuant to subdivision A 6 of this section shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the Commissioner.

8. Early intervention programs for children eligible under Part H of the Individuals with Disabilities Education Act wherein no child attends for more than a total of six hours per week.

9. Practice or competition in organized competitive sports leagues.

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.

11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, *except for part-time employees working less than two hours per day*, (ii) can be contacted and can resume responsibility for the child's supervision within thirty minutes, and (iii) is receiving *or providing* services or participating in activities offered by the establishment.

12. A certified preschool or nursery school program operated by a private school which is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs, the Association of Christian Schools International, the National Early Childhood Program Accreditation, the National Accreditation Council for Early Childhood Professional Personnel and Programs, the International Academy for Private Education, Standards for the American Montessori Society Accreditation, the International Accreditation and Certification of Childhood Educators, Programs, and Trainers, or the National Accreditation Commission which complies with the provisions of § 63.1-196.3:1.

B. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

C. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting

within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

D. Prescribed therapeutic recreation programs provided for children with disabilities in programs that meet the child day center definition shall not be subject to licensure under this chapter until the appropriate regulations are promulgated.