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SENATE BILL NO. 66

Offered January 14, 2004

Prefiled December 29, 2003

A BILL to amend and reenact § 63.2-1715 of the Code of Virginia, relating to exemptions from licensure as child day programs.

Patron—Martin

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1715 of the Code of Virginia is amended and reenacted as follows:**

§ 63.2-1715. 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 § 63.2-1716.

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.

Pursuant to this subdivision, a program of instruction, which focuses solely on the martial arts and operates as a drop-in 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 and parents are clearly notified that the facility is not licensed as a child day center, shall qualify for this exemption regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; (iii) the initiation of measures designed to protect the health and safety of the enrolled children, such as requiring the child to obtain the permission of the instructor to unexpectedly leave a class, requiring verbal or written permission from the parent for the child for an unscheduled leaving of the facility, operating a "hot line" to enable the parent to notify the facility when a child will not be in attendance, or maintaining a mechanism by which the bus driver can check on the whereabouts of any child who does not board the bus as scheduled; (iv) the scheduling of breaks for snacks, homework or other activities approved by the parent; or (v) the advertising of the martial arts program as an alternative to child day centers for children of school age who are at least six years old.

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 25 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 25 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 12 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 20 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, as amended, 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 that are not exempt pursuant to subdivision A 6 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 C of the Individuals with Disabilities Education Act, as amended, 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

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59 are on site to attend religious worship or instructional services.

60 11. Child-minding services that are not available for more than three hours per day for any individual
61 child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an
62 on-duty employee, except for part-time employees working less than two hours per day, (ii) can be
63 contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is
64 receiving or providing services or participating in activities offered by the establishment.

65 12. A certified preschool or nursery school program operated by a private school that is accredited
66 by a statewide accrediting organization recognized by the State Board of Education or accredited by the
67 National Association for the Education of Young Children's National Academy of Early Childhood
68 Programs; the Association of Christian Schools International; the American Association of Christian
69 Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for
70 Early Childhood Professional Personnel and Programs; the International Academy for Private Education;
71 the American Montessori Society; the International Accreditation and Certification of Childhood
72 Educators, Programs, and Trainers; or the National Accreditation Commission that complies with the
73 provisions of § 63.2-1717.

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

76 C. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting
77 within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be
78 required to be licensed.