

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 22.1-19 and 63.2-1715 of the Code of Virginia, relating to child day programs; exemptions from licensure.

[S 467]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-19 and 63.2-1715 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-19. Accreditation of elementary, middle, and high schools; nursery schools; recognition of certain organizations; child day center regulation.

The Board shall provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it. The Board may provide for the accreditation of private elementary, middle, and high schools in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools. The Board in its discretion may recommend provisions for standards for private nursery schools. Any such accreditation shall be at the request of the private school only.

For the purposes of facilitating the transfer of academic credits for students who have attended private schools and are enrolling in public schools, and to meet the requirements of § 63.2-1717, the Board of Education shall authorize, in a manner it deems appropriate, the Virginia Council for Private Education to accredit private nursery, preschool, elementary, and secondary schools.

The Board shall promulgate accreditation regulations that incorporate, but may exceed, the regulations for child day centers promulgated by the State Board of Social Services, for those child day centers described in subdivision A 7 of § 63.2-1715.

§ 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, school-aged children are free to enter and leave the premises without permission or supervision, 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; or (iii) the scheduling of breaks for snacks, homework, or other activities. 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 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. *Instructional programs offered by public schools that serve preschool-age children or 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*

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57 *to, music, sports, drama, civic service, or foreign language.*

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

60 9. Practice or competition in organized competitive sports leagues.

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

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

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

78 13. A program of recreational activities offered by local governments, staffed by local government
79 employees, and attended by school-age children. Such programs shall be subject to safety and
80 supervisory standards established by local governments.

81 14. A program of instructional or athletic experience operated during the summer months by, and as
82 an extension of, an accredited private elementary, middle, or high school program as set forth in
83 § 22.1-19 and administered by the Virginia Council for Private Education.

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

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