

# VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

## CHAPTER 11

*An Act to amend and reenact § 63.2-1734 of the Code of Virginia, relating to child day programs at public or private school facilities; exemptions.*

[H 836]

Approved February 22, 2018

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

**1. That § 63.2-1734 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-1734. Regulations for child welfare agencies.**

A. The Board shall adopt regulations for the activities, services and facilities to be employed by persons and agencies required to be licensed under this subtitle, which shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies.

Such regulations shall be developed in consultation with representatives of the affected entities and shall include, but need not be limited to, matters relating to the sex, age, and number of children and other persons to be maintained, cared for, or placed out, as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed. Such limitations and standards shall be specified in each license and renewal thereof. Such regulations shall not require the adoption of a specific teaching approach or doctrine or require the membership, affiliation or accreditation services of any single private accreditation or certification agency.

Such regulations ~~shall not prohibit~~ governing child day programs providing care for school-age children at a location that is currently approved by the Department of Education or recognized as a private school by the State Board of Education for school occupancy and that houses a public or private school during the school year ~~from permitting~~ shall not (i) *prohibit* school-age children ~~to use~~ from using outdoor play equipment and areas approved for use by students of the school during school hours or (ii) *in the case of public schools, require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school.*

B. The Board shall adopt or amend regulations, policies and procedures related to child day care in collaboration with the Virginia Recreation and Park Society. No regulation adopted by the Board shall prohibit a child day center from hiring an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, to provide protection for children placed in the care of the child day center or employees of the center. The Board shall adopt or amend regulations related to therapeutic recreation programs in collaboration with the Virginia Park and Recreation Society and the Department of Behavioral Health and Developmental Services.