

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1017]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That § 63.2-1715 of the Code of Virginia is amended and reenacted as follows:**
8 **§ 63.2-1715. Exemptions from licensure.**

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

10 1. A child day center that has obtained an exemption pursuant to § 63.2-1716.
11 2. A program where, by written policy given to and signed by a parent or guardian, school-aged
12 children are free to enter and leave the premises without permission or supervision, regardless of (i)
13 such program's location or the number of days per week of its operation; (ii) the provision of
14 transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks,
15 homework, or other activities. A program that would qualify for this exemption except that it assumes
16 responsibility for the supervision, protection and well-being of several children with disabilities who are
17 mainstreamed shall not be subject to licensure.

18 3. A program of instructional experience in a single focus, such as, but not limited to, computer
19 science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if
20 no child is allowed to attend for more than 25 days in any three-month period commencing with
21 enrollment. This exemption does not apply if children merely change their enrollment to a different
22 focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a
23 three-month period.

24 4. Programs of instructional or recreational activities wherein no child under age six attends for more
25 than six hours weekly with no class or activity period to exceed one and one-half hours, and no child
26 six years of age or above attends for more than six hours weekly when school is in session or 12 hours
27 weekly when school is not in session. Competition, performances and exhibitions related to the
28 instructional or recreational activity shall be excluded when determining the hours of program operation.

29 5. A program that operates no more than a total of 20 program days in the course of a calendar year
30 provided that programs serving children under age six operate no more than two consecutive weeks
31 without a break of at least a week.

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

36 7. Instructional programs offered by public schools that serve preschool-age children or that satisfy
37 compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and
38 programs of school-sponsored extracurricular activities that are focused on single interests such as, but
39 not limited to, music, sports, drama, civic service, or foreign language.

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

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

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

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

51 12. A certified preschool or nursery school program operated by a private school that is accredited
52 by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 and
53 complies with the provisions of § 63.2-1717.

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

57 14. A program of instructional or athletic experience operated during the summer months by, and as
58 an extension of, an accredited private elementary, middle, or high school program as set forth in
59 § 22.1-19 and administered by the Virginia Council for Private Education.

60 15. *A child day program offered by a local school division, staffed by local school division*
61 *employees, and attended by children who are at least four years of age and are enrolled in public*
62 *school or a preschool program within such school division. Such programs shall be subject to safety*
63 *and supervisory standards established by the local school board.*

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

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