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**HOUSE BILL NO. 868**

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact §§ 22.1-19, 63.2-1715, and 63.2-1809 of the Code of Virginia and to repeal § 63.2-1717 of the Code of Virginia, relating to licensure exemptions; private preschool programs.*

\_\_\_\_\_  
Patron—Orrock

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Referred to Committee on Health, Welfare and Institutions

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

**1. That §§ 22.1-19, 63.2-1715, and 63.2-1809 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.

**§ 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 private schools that *serve preschool-age children and are accredited by an accrediting organization recognized by the State Board of Education pursuant to § 22.1-19 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 to, music, sports, drama, civic service, or foreign language.*

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

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

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

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

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

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

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

76 14. 13. A program of instructional or athletic experience operated during the summer months by, and  
77 as an extension of, an accredited private elementary, middle, or high school program as set forth in  
78 § 22.1-19 and administered by the Virginia Council for Private Education.

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

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

84 **§ 63.2-1809. Regulated child day programs to require proof of child identity and age; report to**  
85 **law-enforcement agencies.**

86 A. Upon enrollment of a child in a regulated child day program, such child day program shall  
87 require information from the person enrolling the child regarding previous child day care and schools  
88 attended by the child. The regulated child day program shall also require that the person enrolling the  
89 child present the regulated child day program with the proof of the child's identity and age. The proof of  
90 identity, if reproduced or retained by the child day program or both, shall be destroyed upon the  
91 conclusion of the requisite period of retention. The procedures for the disposal, physical destruction or  
92 other disposition of the proof of identity containing social security numbers shall include all reasonable  
93 steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social  
94 security numbers in those records to make them unreadable or indecipherable by any means.

95 B. For purposes of this section:

96 "Proof of identity" means a certified copy of a birth certificate or other reliable proof of the child's  
97 identity and age.

98 "Regulated child day program" is one in which a person or organization has agreed to assume  
99 responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than  
100 a 24-hour period that is licensed pursuant to § 63.2-1701, voluntarily registered pursuant to § 63.2-1704,  
101 ~~certified as a preschool or nursery school program pursuant to § 63.2-1717~~, exempted from licensure as  
102 a child day center operated by a religious institution pursuant to § 63.2-1716, or approved as a family  
103 day home by a licensed family day system.

104 C. If the parent, guardian, or other person enrolling the child in a regulated child day program for  
105 longer than two consecutive days or other pattern of regular attendance does not provide the information  
106 required by subsection A within seven business days of initial attendance, such child day program shall  
107 immediately notify the local law-enforcement agency in its jurisdiction of such failure to provide the  
108 requested information.

109 D. Upon receiving notification of such failure to provide the information required by subsection A,  
110 the law-enforcement agency shall, if available information warrants, immediately submit an inquiry to  
111 the Missing Children Information Clearinghouse and, with the assistance of the local department, if  
112 available information warrants, conduct the appropriate investigation to determine whether the child is  
113 missing.

114 E. The Board shall adopt regulations to implement the provisions of this act.

115 **2. That § 63.2-1717 of the Code of Virginia is repealed.**