

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)

Sent: Wednesday, June 28, 2017 1:46 PM

To: DSS_Licensing

Subject: Certified Preschool Legislative Update House Bill 1837 and Fingerprint Communication

The attached files are being sent to certified preschools from the Virginia Department of Social Services Email Distribution Service.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 28, 2017

TO: Certified Preschools

FROM: Charlene Vincent, Director
Division of Licensing- Children's Programs

SUBJECT: Legislative Implementation of House Bill 1837

Certified Preschools

House Bill 1837, effective July 1, 2017, revises exemption requirements for preschools operated by a private school that has been accredited by an accrediting organization recognized by the Board of Education.

The conditions for exemption now include:

- The school offers kindergarten or elementary school instructional programs;
- The pupil to teacher ratio is 12:1; or 15:1 for Montessori programs with mixed age groups of three to six year old children;
- Children do not attend more than five hours a day, with no more than four hours of instruction per day;
- Children in attendance must not be under three years old;
- The preschool offers instructional classes and does not hold itself out as a child care center, child day center, or child day program;
- Children enrolled in the preschool do not attend more than five days a week; and
- The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety, and welfare of the children.

The school must continue to file a statement with the Commissioner of the Department of Social services that they meet the requirements set out in § 63.2-1717 of the Code of Virginia. There are several new requirements included in this legislation.

- Schools must post in a visible location on the premises the fact that the program is exempt from licensure.
- The school must certify that it will report to the Commissioner all incidents involving serious injury or death to children attending the preschool program. DSS will provide information on procedures to report serious injuries in a future communication.
- Schools must have documentary evidence that all employees of the preschool and other school employees who have contact with children enrolled in the preschool program obtain a fingerprint based criminal record check through DSS as provided in § 63.2-

- 1720.1. More information will be forthcoming regarding the fingerprint based criminal history checks.
- This legislation removes the provisional certificate that was issued to a school that had initiated the accreditation process. A preschool program of a private school that has not been accredited shall be subject to licensure.

All Certified Preschools will be required to reapply for an exemption after July 1, 2017 before beginning the school year. Certified Preschools will be asked to provide their hours of operations, including the number of hours spent in instruction.

DSS may conduct an annual inspection of these preschools to ensure compliance with the provisions of this section and conduct inspections to investigate complaints alleging noncompliance. If a certified preschool does not meet the conditions for exemption, it must become licensed or cease to operate.

For information on updated forms and documents related to Certified Preschools: <http://www.dss.virginia.gov/facility/preschool.cgi>. The DSS website will be updated July 1, 2017.

If you have any questions, please contact your regional licensing office. Contact information can be found at http://www.dss.virginia.gov/files/division/licensing/contacts/dolp_district_children.pdf



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 28, 2017

TO: Certified Preschools

FROM: Charlene Vincent, Director
Division of Licensing -Children's Programs

SUBJECT: Fingerprint based background checks for certified preschools

This memo is the first of several memos related to the implementation of Virginia Department of Social Services (VDSS) fingerprint based background checks. We don't have all the information yet, but we want to start sharing with you what we know.

Legislation was passed during the 2017 General Assembly session requiring employees of certified preschools and other school employees who have contact with children enrolled in the preschool to undergo a fingerprint based national criminal history background check. House bill 1837 revises § 63.2-1717 of the Code of Virginia to require certified preschool employees to follow § 63.2-1720.1. House bill 1568 further defines the fingerprint based requirements. These laws, effective July 1, 2017, are attached to this memo.

Who: All certified preschool employees and other school employees who have contact with the children enrolled in the preschool program will be required to submit fingerprint based background checks through VDSS once the process has been established with a fingerprint vendor.

What: A fingerprint based background check is a check that requires you to submit your fingerprints to complete a national criminal history check. We are working to finalize the process with a company where you can go to have your fingerprints taken. Once the process has been finalized, we will share the locations of fingerprinting sites with you. There will be fingerprinting sites all around the state that you can access. We will send out more information and what you need to do to be fingerprinted in a later memo.

Your prints will be sent to Virginia State Police and the FBI. If you do not have a criminal record, the FBI and Virginia State Police will notify the Virginia Department of Social Services (VDSS) Office of Background Investigations that there is no record

found. The VDSS Office of Background Investigations will send a letter saying you are “eligible for employment”.

If you have a criminal record, the FBI and Virginia State Police will send your record to the VDSS Office of Background Investigations. Staff in that office will then screen your record to see if you have a barrier crime which is a crime that would prohibit you from working with children. If you have a barrier crime, a letter will be sent saying you are “not eligible for employment”.

When: The new laws require that these fingerprint checks be processed and screened by the VDSS Office of Background Investigations and repeated every five years. We do not have a timeline for when we will begin fingerprint based checks. VDSS has to make changes to our information system to be able to process the criminal history results and it is unknown how long that will take.

You will be given advance notice of when the VDSS fingerprint background checks process will begin. Until that time, please continue to follow the criminal background check requirements you have been following. As more information is available, we will share it with you. Thank you for the work you do with the children in Virginia.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 748

An Act to amend and reenact §§ 63.2-1715 and 63.2-1717 of the Code of Virginia, relating to licensure exemptions; private preschool programs.

[H 1837]

Approved March 24, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1715 and 63.2-1717 of the Code of Virginia are 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, 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 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.

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 are on site to attend religious worship or instructional services.

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

12. A certified preschool or nursery school program operated by a private school that is accredited by a statewide *an* accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission that *pursuant to § 22.1-19*

and complies with the provisions of § 63.2-1717.

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

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

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

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

§ 63.2-1717. Certification of preschool or nursery school programs operated by accredited private schools; provisional certification; annual statement and documentary evidence required; enforcement; injunctive relief.

A. A preschool or nursery school program operated by a private school accredited by a statewide accrediting organization recognized by the Board of Education or a private school or preschool that offers to preschool-aged children a program accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission and is recognized by the Board of Education, pursuant to § 22.1-19 shall be exempt from licensure under this subtitle if it complies with the provisions of this section and meets the requirements of subsection B, C or D.

B. A school described in subsection A shall meet the following conditions in order to be exempt under this subsection:

1. The school offers kindergarten or elementary school instructional programs that satisfy compulsory school attendance laws, and children below the age of compulsory school attendance also participate in such instructional programs;

2. The instructional programs for children of and below the age of eligibility for school attendance share (i) a specific verifiable common pedagogy, (ii) education materials, (iii) methods of instruction, and (iv) professional training and individual teacher certification standards, all of which are required by a state-recognized accrediting organization;

3. The instructional programs described in subdivisions 1 and 2 have number of pupils in the preschool program does not exceed 12 pupils for each instructional adult, or if operated as a Montessori program with mixed age groups of three-year-old to six-year-old children and, the number of pupils in the preschool program does not exceed 15 pupils for each instructional adult;

4. The instructional program contemplates a three-to-four-year learning cycle under a common pedagogy; and

5. 3. Children below the age of eligibility for kindergarten attendance do not attend the instructional preschool program for more than five hours per day, provided that no more than four hours of instructional classes is provided per day;

C. A school described in subsection A shall be exempt from licensure if it maintains an enrollment ratio at any one time during the current school year of five children age five or above to one four-year-old child as long as no

4. No child in attendance is under age four and the number of pupils in the preschool program does not exceed 12 pupils for each instructional adult. three;

D. A private school or preschool described in subsection A shall meet the following conditions in order to be exempt under this subsection:

1. The school offers instructional classes and has been in operation since January 1984.

2. 5. The school preschool offers instructional classes and does not hold itself out as a child care center, child day center, or child day program;

3. 6. Children enrolled in the school are at least three years of age and preschool do not attend more than (i) three hours per day and (ii) five days per week; and

4. The enrolled children attend only one program offered by the school per day.

5. 7. The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety, and welfare of the children; such as but not limited to space requirements, and requires annual inspections.

E. C. The school shall file with the Commissioner, prior to the beginning of the school year or calendar year, as the case may be, and thereafter, annually, a statement which includes the following:

1. Intent to operate a certified preschool program;

2. Documentary evidence that the school has been accredited as provided in subsection A;

3. Documentation that the school has disclosed in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program *and has posted in a visible location on the premises* the fact of the program's exemption from licensure;

4. Documentary evidence that the physical facility in which the preschool program will be conducted has been inspected (i) before initial certification by the local building official and (ii) within the 12-month period prior to initial certification and at least annually thereafter by the local health department, and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, and an inspection report ~~which~~ *that* documents that the facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code;

5. Documentation that the school has disclosed the following in writing to the parents, guardians, or persons having charge of a child enrolled in the school's preschool program, and in a written statement available to the general public: (i) the school facility is in compliance with applicable laws and regulations pertaining to food services, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code;; (ii) the preschool program's maximum capacity;; (iii) the school's policy or practice for pupil-teacher ratio, staffing patterns, and staff health requirements;; and (iv) a description of the school's public liability insurance, if any;

6. Qualifications of school personnel who work in the preschool program; ~~and~~

7. *Certification that the school will report to the Commissioner all incidents involving serious injury or death to children attending the preschool program. Reports of serious injuries, which shall include any injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and*

8. Documentary evidence that the private school requires all employees of the preschool and other school employees who have contact with the children enrolled in the preschool program to obtain a criminal record check as provided in ~~subdivision A 11 of § 19.2-389~~ § 63.2-1720.1 *to meet the requirements of § 22.1-296.3 as a condition of initial or continued employment. The school shall not hire or continue employment of any such person who has an offense specified in § 63.2-1719.*

All accredited private schools seeking certification of preschool programs shall file such information on forms prescribed by the Commissioner. The Commissioner shall certify all preschool programs of accredited private schools which comply with the provisions of subsection A. *The Commissioner may conduct an annual inspection of such preschool programs to ensure compliance with the provisions of this section and conduct inspections to investigate complaints alleging noncompliance.*

~~F. D. A preschool program of a private school that has not been accredited as provided in subsection A; or which has not provided documentation to the Commissioner that it has initiated the accreditation process, shall be subject to licensure.~~

~~The Commissioner shall issue a provisional certificate to a private school which provides documentation to the Commissioner that it has initiated the accreditation process. The provisional certificate shall permit the school to operate its preschool program during the accreditation process period. The issuance of an initial provisional certificate shall be for a period not to exceed one year. A provisional certificate may be renewed up to an additional year if the accrediting organization provides a statement indicating it has visited the school within the previous six months and the school has made sufficient progress. Such programs shall not be subject to licensure during the provisional certification period.~~

~~G. If a school fails to complete the accreditation process or is denied accreditation, the Commissioner shall revoke the provisional certification and the program shall thereafter be subject to licensure.~~

~~H. E. If the preschool program of a private school ~~which~~ *that* is accredited as provided in subsection A fails to file the statement and the required documentary evidence, the Commissioner shall notify the school of its noncompliance and may thereafter take such action as he determines appropriate, including notice that the program is required to be licensed.~~

~~I. F. The revocation or denial of the certification of a preschool program shall be subject to appeal pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Judicial review of a final agency decision shall be in accordance with the provisions of the Administrative Process Act.~~

~~J. G. Any person who has reason to believe that a private school falling within the provisions of this section is in noncompliance with any applicable requirement of this section may report the same to the Department, the local department, the local health department, or the local fire marshal, each of which may inspect the school for noncompliance, give reasonable notice to the school of the nature of its noncompliance, and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.~~

~~K. H. Upon receipt of a complaint concerning a certified preschool program of an accredited private school, or of a private school to which provisional certification has been issued, if for good cause shown there is reason to suspect that the school is in noncompliance with any provision of this section or the health or safety of the children attending the preschool program is in danger, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary of the services,~~

personnel, and facilities of the school's *preschool* program. The school shall afford the Commissioner reasonable opportunity to inspect the school's *preschool* program, records, and facility, and to interview the employees and any child or parent or guardian of a child who is or has been enrolled in the preschool program. If, upon completion of the investigation, it is determined that the school is in noncompliance with the provisions of this section, the Commissioner shall give reasonable notice to the school of the nature of its noncompliance and thereafter may take appropriate action as provided by law, including a suit to enjoin the operation of the preschool program.

~~L.~~ *I.* Failure of a private school to comply with the provisions of this section, or a finding that the health and safety of the children attending the preschool program are in clear and substantial danger upon the completion of an investigation, shall be grounds for revocation of the certification issued pursuant to this section.

~~M.~~ *J.* If a private school operates a child day program outside the scope of its instructional classes during the school year or operates a child day program during the summer, the child day program shall be subject to licensure under the regulations adopted pursuant to § 63.2-1734.

~~N.~~ *K.* Nothing in this section shall prohibit a preschool operated by or conducted under the auspices of a private school from obtaining a license pursuant to this subtitle.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 189

An Act to amend and reenact §§ 63.2-1720 through 63.2-1721.1, as they shall become effective, 63.2-1722, 63.2-1724, and 63.2-1725 of the Code of Virginia, relating to child care providers; criminal history background check; penalty.

[H 1568]

Approved February 23, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1720 through 63.2-1721.1, as they shall become effective, 63.2-1722, 63.2-1724, and 63.2-1725 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1720. (Effective July 1, 2017) Assisted living facilities, adult day care centers, child-placing agencies, and independent foster homes; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility, adult day care center, child-placing agency, *or* independent foster home, ~~or family day system~~ licensed in accordance with the provisions of this chapter, ~~or registered family day homes or family day homes approved by family day systems~~, shall hire for compensated employment or continue to employ persons who have an offense as defined in § 63.2-1719. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies, *and* independent foster homes, ~~and family day systems, registered family day homes, and family day homes approved by family day systems~~, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies, *and* independent foster homes, ~~and family day systems, registered family day homes, and family day homes approved by family day systems~~, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day care center, licensed child-placing agency, *or* licensed independent foster home, ~~licensed family day system, registered family day home, or family day home approved by a family day system~~ shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies, *and* independent foster homes, ~~and family day systems, registered family day homes, and family day homes approved by family day systems~~, a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day care center, child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~. Any person desiring to volunteer at a licensed child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home approved by a family day system~~ shall provide the agency, ~~system, or home~~ with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency, *or* independent foster home, ~~or family day system, registered family day home, or family day home~~

approved by a family day system shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency, *or independent foster home, or family day system, registered family day home, or family day home approved by a family day system* shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency, *or independent foster home, or family day system, registered family day home, or family day home approved by a family day system*, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

J. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1720.1. (Effective July 1, 2017) Child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center ~~or~~, family day home, *or family day system* licensed in accordance with the provisions of this chapter, *child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant* shall hire for compensated employment, continue to employ, or permit to serve as a volunteer ~~in a position that is involved in the day-to-day operations of the child day center or family day home or in which the employee or volunteer~~ who will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All applicants for employment ~~or, employees, applicants~~ to serve as volunteers, *and volunteers* shall undergo a background check in accordance with subsection B *prior to employment or beginning to serve as a volunteer and every five years thereafter*.

B. Any ~~applicant~~ individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center ~~or~~, family day home, *or family day system described in subsection A* to obtain a copy of ~~information from the results of a search of~~ the central registry maintained pursuant to § 63.2-1515 ~~on any investigation of child abuse or neglect undertaken on him and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.~~

The ~~applicant's individual's~~ fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such ~~applicant individual~~. Upon receipt of an ~~applicant's~~ *the individual's* record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center ~~or~~, family day home, *or family day system described in subsection A* as to whether the ~~applicant~~ individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition

data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center ~~or~~, family day home, *or family day system*.

C. The child day center ~~or~~, family day home, *or family day system described in subsection A* shall inform every ~~applicant for compensated employment or to serve as a volunteer~~ individual required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the ~~applicant's~~ *applicant's individual's* eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

I. Any person ~~employed for compensation at a licensed child day center or family day home or permitted to serve as a volunteer at a licensed child day center or family day home in a position that is involved in the day-to-day operations of the child day center or family day home or in which he will be alone with, in control of, or supervising children~~ individual required to undergo a background check pursuant to subsection A who is (i) convicted of an offense as defined in § 63.2-1719 within or outside of the Commonwealth or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center ~~or~~, family day home, *or family day system described in subsection A* of such conviction or finding.

§ 63.2-1721. (Effective July 1, 2017) Background check upon application for licensure as a child-placing agency or independent foster home; penalty.

A. Upon application for licensure as a child-placing agency, *or independent foster home*, ~~or family day system or registration as a family day home~~, *all* (i) ~~all~~ applicants; *and* (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency, *or independent foster home*, ~~family day system, or family day home~~ or who are or will be alone with, in control of, or supervising one or more of the children; *and* (iii) ~~any other adult living in the home of an applicant for registration as a family day home~~ shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies ~~and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home~~, shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes, ~~family day systems, and family day homes~~, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to issuance of a license, ~~registration~~ or approval. The applicant shall provide an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A required to have a background check has any offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (i) the Commissioner shall not issue a license to a child-placing agency, *or independent foster home*, ~~or family day system or a~~

registration to a family day home; (ii) the Commissioner shall not issue a license to an assisted living facility; *or* (iii) a child-placing agency shall not approve an adoptive or foster home; ~~or (iv) a family day system shall not approve a family day home.~~

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency; *or* independent foster home; ~~or family day system or a registered family day home~~; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency; *or* independent foster home; ~~or family day system or a registered family day home~~; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided that 10 years have elapsed following the conviction.

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs with intent to distribute who has had his civil rights restored by the Governor, provided 20 years have elapsed following the conviction.

I. If an applicant is denied licensure, ~~registration~~ or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

§ 63.2-1721.1. (Effective July 1, 2017) Background check upon application for licensure, registration, or approval as child day center, family day home, or family day system; penalty.

A. Every (i) applicant for licensure as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system*; (ii) agent of an applicant for licensure as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system* at the time of application who is or will be involved in the day-to-day operations of the child day center ~~or~~, family day home, *or family day system* or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in ~~the~~ *such child day center or family day home* shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system and every five years thereafter.*

B. Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the ~~Department~~ *child day center, family day home, or family day system specified in subsection A* to obtain a copy of ~~information from the results of a search of~~ the central registry maintained pursuant to § 63.2-1515 ~~on any investigation of child abuse or neglect undertaken on him and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.~~

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an ~~applicant's~~ *individual's* record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. *The Department shall report to the child day*

center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center ~~or~~, family day home, *or family day system or registration as a family day home shall be granted by the Commissioner and no approval as a family day home shall be granted by the family day system.*

D. Information from a search of the central registry maintained pursuant to § 63.2-1515 *and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant, agent, or adult has resided in the preceding five years*, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system.*

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center ~~or~~, family day home, *or family day system*, or shall be alone with, in control of, or supervising one or more children, without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an ~~applicant~~ *individual* is denied licensure, *registration, or approval* because of information from the central registry *or any child abuse and neglect registry or equivalent registry maintained by any other state*, or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry, *any child abuse and neglect registry or equivalent registry maintained by any other state*, or the Central Criminal Records Exchange ~~or both~~ to the ~~applicant~~ *individual*.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

§ 63.2-1722. Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license or registration of a child welfare agency, assisted living facility, or adult day care center; a child-placing agency may revoke the approval of a foster home; and a family day system may revoke the approval of a family day home if the assisted living facility, adult day care center, child welfare agency, foster home, or approved family day home has knowledge that a person specified in § 63.2-1720, 63.2-1720.1, 63.2-1721, or 63.2-1721.1 required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720, subsection G of § 63.2-1720.1, or subsection E, F, ~~or~~ G, *or H* of § ~~63.2-1721.1~~ 63.2-1721, and the facility, center, *home*, or agency refuses to separate such person from employment or service *or allows the household member to continue to reside in the home.*

B. Failure to obtain background checks pursuant to §§ 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1 shall be grounds for denial ~~or~~, revocation, *or termination* of a license, registration, or approval *or any contract with the Department or a local department to provide child care services to clients of the Department or local department.* No violation shall occur if the assisted living facility, adult day care center, child-placing agency, independent foster home, family day system, family day home, or child day center has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1724. Records check by unlicensed child day center; penalty.

Any child day center that is exempt from licensure pursuant to § 63.2-1716 shall require a ~~prospective employee or volunteer or all applicants for employment, employees, applicants to serve as volunteers, and volunteers~~ and any other person who is expected to be alone with one or more children enrolled in the child day center to obtain ~~within 30 days of employment or commencement of volunteer service, a search of the central registry maintained pursuant to § 63.2-1515 on any founded complaint of child abuse or neglect and a criminal records check as provided in subdivision A 11 of § 19.2-389.~~ However, no employee shall be permitted to work in a position that involves direct contact with a child until an original criminal record clearance ~~or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section~~ a background check in accordance with § 63.2-1720.1. A child day center that is exempt from licensure pursuant to § 63.2-1716 shall refuse employment or service to any person who has any offense defined in § 63.2-1719. ~~Such center shall also~~

require a prospective employee or volunteer or any other person who is expected to be alone with one or more children in the child day center to provide a sworn statement or affirmation disclosing whether or not the applicant has ever been (i) the subject of a founded complaint of child abuse or neglect, or (ii) convicted of a crime or is the subject of pending criminal charges for any offense within the Commonwealth or any equivalent offense outside the Commonwealth. The foregoing provisions shall not apply to a parent or guardian who may be left alone with his or her own child. For purposes of this section, convictions shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would have been a felony if committed by an adult within or outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If an applicant is denied employment or service because of information from the central registry or convictions appearing on his criminal history record, the child day center shall provide a copy of the information obtained from the central registry or Central Criminal Records Exchange or both to the applicant. Further dissemination of the information provided to the facility is prohibited.

The provisions of this section referring to volunteers shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending the child day center whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children which includes the parent-volunteer's own child, in a program which operates no more than four hours per day, where the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

§ 63.2-1725. Child day centers or family day homes receiving federal, state, or local child care funds; eligibility requirements.

A. Whenever any child day center or family day home, or child day program that has not met the requirements of §§ ~~63.2-1720, 63.2-1721~~ 63.2-1720.1, 63.2-1721.1, and 63.2-1724 applies to enter into a contract with the Department or a local department to provide child care services to clients of the Department or local department, the Department or local department shall require a criminal records check pursuant to subdivision A 43 of § 19.2-389, as well as a search of the central registry maintained pursuant to § 63.2-1515, on any child abuse or neglect investigation background check, at the time of application to enter into a contract and every five years thereafter, of (i) the applicant; any employee; prospective employee; volunteers; any agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more of the children; and any other adult living in a child day center or family day home pursuant to § 63.2-1721.1; and (ii) all applicants for employment, employees, applicants to serve as volunteers, and volunteers pursuant to § 63.2-1720.1. The applicant shall provide the Department or local department with copies of these records checks. The child day center or family day home, or child day program shall not be permitted to enter into a contract with the Department or a local department for child care services when an applicant; any employee; a prospective employee; a volunteer, an agent involved in the day-to-day operation; an agent alone with, in control of, or supervising one or more children; or any other adult living in a family day home has any offense as defined in § 63.2-1719. The child day center or family day home shall also require the above individuals to provide a sworn statement or affirmation disclosing whether or not the person has ever been (i) the subject of a founded case of child abuse or neglect or (ii) convicted of a crime or is the subject of any pending criminal charges within the Commonwealth or any equivalent offense outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If a person is denied employment or work because of information from the central registry or convictions appearing on his criminal history record, the child day center or family day program shall provide a copy of such information obtained from the central registry or Central Criminal Records Exchange or both to the person. Further dissemination of the information provided to the facility, beyond dissemination to the Department, agents of the Department, or the local department, is prohibited.

B. Every child day center or family day home, or child day program that enters into a contract with the Department or a local department to provide child care services to clients of the Department or local departments that is funded, in whole or in part, by the Child Care and Development Block Grant, shall comply with all requirements established by federal law and regulations.

2. That every person who is employed by or permitted to serve as a volunteer who will be alone with, in control of, or supervising children at a child day center, family day home, or family day system licensed in accordance with the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall undergo a background check described in § 63.2-1720.1 of the Code of Virginia, to be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth.

3. That every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system shall undergo a background check described in § 63.2-1721.1 of the Code of Virginia, to be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth.

4. That the provisions of this act shall expire on July 1, 2018.

5. That if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing requirements for national fingerprint-based criminal history background checks for (i) employees, applicants for employment, volunteers at or applicants to serve as volunteers at any licensed family day system, registered family day home, family day home approved by a family day system, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia; (ii) applicants for licensure as a family day system, registration as a family day home or approval as a family day home by a family day system, agents of such applicants, and adults living in such family day homes; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act is repealed prior to July 1, 2018, the provisions of this act enacting such requirement shall expire upon the date such provision is repealed.

DOCUMENTATION FOR CERTIFICATION OF PRESCHOOL PROGRAMS

Section 63.2-1717 of the Code of Virginia provides for the certification of preschool programs operated by an accredited private school. These programs are exempt from licensure if they comply with the requirements of this section of the Code and submit specific documentation. The attached information serves to explain the required documentation.

The law requires all private schools seeking certification of preschool programs to file required information on forms designated by the Commissioner of Social Services. Copies of the required forms are included along with a checklist to help you account for this information needed to initiate your certification. Please read the detailed explanation of the documentation requirements carefully to prevent delays in processing certification materials.

It is also important that you respond to this information promptly. Delays in filing certification materials may cause items of required documentation submitted initially, e.g., building, health and fire safety inspection verification, to expire before all other required documentation is received. Similarly, staff turnover and enrollment changes may occur while certification is delayed, requiring the submission of new or revised documentation to reflect such changes.

Since certification documentation must be submitted annually, the required forms will be provided to you annually with a renewal certification packet. This packet will be sent to you 60- 90 days before the expiration of your current certification. Although an extra copy will be provided upon request, you are primarily responsible for making copies of these forms as needed. Please fill in the appropriate information and return these forms to your local regional licensing office. Office locations can be found online at:

http://www.dss.virginia.gov/files/division/licensing/contacts/dolp_district_children.pdf

The following documentation is required to be filed before the beginning of the school year or calendar year and annually thereafter:

1. Accreditation Verification Form: (i.e., documentary evidence that the school is accredited in accordance with § 63.2-1717, of the Code of Virginia); **this form must be completed, signed, and dated by a representative of the accrediting organization.**
2. Virginia Council for Private Education Certification Form: (i.e., documentary evidence that the school is accredited by an organization pursuant to § 22.1-19 of the Code); this form must be completed, signed, and dated by the Executive Director of the Virginia Council for Private Education (VCPE). VCPE contact information can be found at <http://www.vcpe.org/>.
3. Compliance Statement of Required Documentation Form: **This form must be signed and dated by the school administrator** and shall include verification of the following documentation:
 - A statement of the school's intent to begin or continue to operate a certified preschool program, which includes the maximum enrollment capacity at any one time and the age range of children participating in the program, and acknowledges whether the school meets the requirements of § 63.2-1717 of the Code of Virginia;

- Documentation that the parents, guardians or persons having charge of a child enrolled in the school's preschool program have been provided written notification that the program is exempt from licensure;
- Notification that the preschool program is exempt from licensure is posted in a visible location on the premises;
- Documentation that the parents, guardians or persons having charge of a child enrolled in the school's preschool program have been provided written notification of the following information: the school's compliance with the applicable laws and regulations relating to food services, health and sanitation, water supply, building codes, the Statewide Fire Prevention Code or the Uniform Statewide Building Code, the preschool program's maximum enrollment capacity, the school's policy or practices for pupil-teacher ratio, staffing patterns and staff health requirements, and a description of the school's public liability insurance, if any;

(This document may be in the form of a letter, pamphlet, handbook or newsletter. There should be verifiable evidence that the document is available to the general public. The approved maximum enrollment at any one time will be on the certification letter issued by the Commissioner of Social Services.)

Public liability insurance is generally required in the event that someone brings suit against the preschool program for personal or bodily harm suffered as a result of negligence during the program's normal hours of operation. Most public liability insurance policies provide a minimum coverage of \$300,000. The policy number and expiration date of the school's public liability insurance coverage is required on this compliance statement, if the school's accrediting association requires liability insurance. Each staff employed by the preschool program must comply with the pupil-teacher ratio, staffing patterns and health requirements established by the school's accreditation organization.

- Documentation of the preschool's compliance with the applicable laws and regulations relating to food services, health and sanitation, water supply, building codes, the Statewide Fire Prevention Code or the Uniform Statewide Building Code, the preschool program's maximum enrollment capacity, the school's policy or practices for pupil-teacher ratio, staffing patterns and staff health requirements, and a description of the school's public liability insurance shall be available to the general public;
- Documentary evidence that the private school requires all employees of the preschool, and other school employees who have contact with the children enrolled in the preschool program, to obtain a criminal record check as provided in § 63.2-1720.1 to meet the requirements of § 22.1-296.3 as a condition of initial or continued employment. The school shall not hire or continue employment to any such person who has a conviction of a barrier crime as defined in § 19.2-392.02 of the Code of Virginia or is found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth;
- A list of the qualifications of school personnel who work in the preschool program

including their job titles, education, training, experience and/or skills is required to be attached to this compliance statement;

- Documentation of the number of hours the children enrolled in the preschool program attend per day and the number of hours the children attend instructional classes per day; and
 - Certification that the school will report to the Commissioner all incidents involving serious injury or death to children attending the preschool program. Reports of serious injuries, which shall include any injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred.
4. Checklist of Section 63.2-1717: The school must confirm whether the preschool program it operates is in compliance with the requirements of § 63.2-1717 by checking all items applicable to the program. If all items in § 63.2-1717 are not checked, the program shall be subject to licensure. **The form must be signed and dated by the school administrator.**
 5. Building, Health and Fire Safety Inspection Verification Form: Documentary evidence that the physical facility in which the preschool program will be conducted has been inspected by the local building inspector before initial certification and within the twelve-month period prior to initial certification and at least annually thereafter by the local health department, and local fire marshal or Office of the State Fire Marshal. **The building, health and fire safety reports are not required to be returned with the certification documentation. Only the verification form is required to be returned, and must be signed and dated by the school administrator.**
 6. Health Inspection Report: The physical facility of the preschool program must be inspected and approved annually by an official from your local health department. An inspection must have been completed within the prior calendar year. Call your local health department to request an inspection. You should request a copy of the completed report with the date of inspection from the inspecting health official. This report is to be maintained in the school's records.
 7. Fire Inspection Report: The physical facility of the preschool program must be inspected annually by an inspector from an authorized Fire Prevention Bureau or by the Office of the State Fire Marshall. You may contact the regional Office of the State Fire Marshall representing your locality to determine who has jurisdiction to perform this inspection. A copy of this completed report with the date of inspection should be requested from the inspecting fire official and maintained in the school's records.
 8. Inspection report must confirm that the facility is in compliance with applicable laws and regulations relating to food service, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

CHECKLIST OF REQUIRED DOCUMENTATION

Name of Preschool: _____

Capacity: _____ Age Range: _____

Date Submitted:

- _____ 1. Accreditation Verification
- _____ 2. Virginia Council for Private Education Certification
- _____ 3. Compliance Statement of Required Documentation, including list of staff qualifications, and certification that the school will report to the Commissioner all incidents involving serious injury or death to children attending the preschool program
- _____ 4. Checklist of § 63.2-1717
- _____ 5. Building, Health and Fire Safety Inspection Verification

ACCREDITATION VERIFICATION FORM

This form hereby confirms that _____
(Name of Private School)

located at _____

is accredited by _____
(Accrediting Organization)

Representative of Accrediting Organization

Date

Note:

§ 63.1717 of the Code of Virginia allows a preschool or nursery school program operated by a private school accredited by an accrediting organization recognized by the Board of Education to be exempt from licensure if program complies with certain requirements.

VIRGINIA COUNCIL FOR PRIVATE EDUCATION (VCPE) CERTIFICATION

This form hereby certifies that _____
(Accrediting Organization)

is recognized by the Board of Education pursuant to § 22.1-19 of the Code of Virginia.

Executive Director of VCPE

Date

Note: Section 63.1717 of the Code of Virginia allows a preschool or nursery school program operated by a private school accredited by an accrediting organization recognized by the State Board of Education if the program complies with certain requirements. Section 22.1-19 of the Code of Virginia authorizes the Virginia Council for Private Education to accredit private nursery, preschool, elementary, and secondary schools in Virginia.

COMPLIANCE STATEMENT OF REQUIRED DOCUMENTATION

_____ has a
 (Name of the School)
 maximum enrollment of _____ students and intends to operate a certified
 preschool program for _____ (maximum enrollment) children at
 any one time in the age range of _____ through _____. This school

meets the requirements § 63.2-1717 of the Code of Virginia. The parents, guardians or persons having charge of a child enrolled in the school's preschool program have been provided written notification that the preschool program is exempt from licensure and notification that the preschool program is exempt from licensure has been posted in a visible location on the premises. In addition, the parents, guardians or persons having charge of a child enrolled in the school's preschool program have been provided written notification of the following: the school's compliance with applicable laws and regulations relating to food services, health and sanitation, water supply, building codes, the Statewide Fire Prevention Code or the Uniform Statewide Building Code, the preschool program's maximum enrollment capacity, the school's policy or practice for pupil-teacher ratio, staffing patterns and staff health requirements, and a description of the school's public liability insurance, if any. A written statement of this notification is available to the general public.

The school's public liability insurance coverage policy number is _____,
 and has an expiration date of _____. (Complete only if accrediting
 organization requires public liability insurance).

_____ requires all employees of the preschool
 (Name of the Private School)

program and other school employees who have contact with children enrolled in the program to obtain a criminal record check as a condition of initial or continued employment as provided in § 63.2-1720.1 of the Code of Virginia to meet the requirements of § 22.1-296.3. This school refuses to hire or continue to employ any person who has a conviction of a barrier crime as defined in § 19.2-392.02 of the Code of Virginia or found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth. A list of the qualifications of school staff who work in the preschool program including their job titles, education, training, experience and/or skills is attached to this statement.

I acknowledge that I am in receipt of, have read, and intend to comply with § 63.2-1717 of the <u>Code of Virginia</u> .	
_____ Signature of School Administrator	_____ Date

CHECKLIST OF § 63.2-1717 Requirements

Place a check beside the item(s) applicable to your program to confirm it meets the requirements set forth in § 63.2-1717 of the Code of Virginia.

B. A school described in Subsection A shall meet the following conditions in order to be exempt from licensure under this subsection:

_____ 1. The school offers kindergarten or elementary school instructional programs that satisfy compulsory school attendance laws, and children below the age of compulsory school attendance also participate in such instructional programs;

_____ 2. The number of pupils in the preschool program does not exceed twelve pupils for each instructional adult, or if operated as a Montessori program with mixed age groups of three-year-old to six-year-old children, the number of pupils in the preschool program does not exceed 15 pupils for each instructional adult;

_____ 3. Children below the age of eligibility for kindergarten attendance do not attend the preschool program for more than five hours per day, provided that no more than four hours of instructional classes is provided per day;

_____ 4. No child in attendance is under age three;

_____ 5. The preschool offers instructional classes and does not hold itself out as a child care center, child day center or child day program;

_____ 6. Children enrolled in the preschool do not attend more than five days a week; and

_____ 7. The school maintains a certificate or permit issued pursuant to a local government ordinance that addresses health, safety and welfare of the children.

Signature of School Administrator

Date

BUILDING, HEALTH AND FIRE SAFETY INSPECTION VERIFICATION FORM

The physical facility of _____,
(Preschool Program)

located at _____, was

inspected by a local building official, _____
(Official's Name)

on _____, by a local health department official
(Date of Inspection)

_____ on _____,
(Official's Name) (Date of Inspection)

and by a local fire department official or the State Fire Marshal,

_____ on _____.
(Official's Name) (Date of Inspection)

The building, health and fire safety inspections reports confirm that the physical facility of the preschool program is in compliance with applicable laws and regulations relating to food service, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

School Administrator

Date