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Subject: Legislative Implementation 2018  
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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**DATE:** June 29, 2018

**TO:** Certified Preschool Programs

**FROM:** Tara Ragland, Interim Director  
Division of Licensing- Children's Programs

**SUBJECT:** 2018 Legislative Implementation

This memo will inform you of legislation that passed in the 2018 Virginia General Assembly session that affects certified preschool programs.

### **House Bill 867 and Senate Bill 702 (Identical bills)**

[House Bill 867](#) and Senate Bill 702 add a condition for exemption that a preschool or nursery school program operated by an accredited private school either (i) maintains an average enrollment ratio during the current school year of five children age five or above to one four-year-old child, and no child in attendance is under age four or (ii) does not allow children below the age of eligibility for kindergarten attendance to attend the preschool program for more than five hours per day, of which no more than four hours of instructional classes may be provided per day, and no child in attendance is under age three.

This legislation restores language that was inadvertently removed in the 2017 General Assembly session. Certified preschool documents have been revised to reflect these changes and are available at <http://dss.virginia.gov/facility/preschool.cgi>

This legislation is effective July 1, 2018.

### **Senate Bill 539**

[SB 539](#) incorporates the recommendations of the "Child Day Programs Exempt from Licensure" study that was submitted last year to the Governor and General Assembly. It clarifies who should be considered a child day program and redefines the list of programs that are exempt from licensure. The legislation establishes basic health and safety requirements for certain exempt programs and requires exempt programs to report serious physical injuries or deaths of children in care. Certain exempt programs will be required

to file annually with DSS and indicate which exemption they are using, and will be subject to complaint inspections if the exemption requirements are not followed. **This legislation does not go into effect until July 1, 2019.** DSS will provide updates on the changes from this legislation next year.

**House Bill 873 and Senate Bill 121 (Identical bills)**

[HB 873](#) and SB 121 extends the expiration date for legislation established during the 2017 General Assembly session requiring fingerprint based background check requirements for child day care providers. As written, the legislation was set to expire July 1, 2018. HB 873 and SB 121 extend the expiration date to July 1, 2020.

Please contact your licensing inspector if you have any questions.