

Exemptions Tip Table

Effective July 1, 2019, Code of Virginia § 63.2-1715 C 1 requires certain exempt child day programs to file with the VDSS Commissioner annually and prior to beginning operation of a program a statement indicating the intent to operate; the exemption from § 63.2-1715 B that the program meets; and certification that the program has disclosed in writing to the parents or guardians of the children in the program that it is exempt from licensure.

Prior to submitting the filing, please use the following tool to assess your program to determine if and which exemption may apply. All criteria for meeting the exemption must be met. If you answer ‘NO’ to any of the criteria within a specific exemption, the program may be required to be licensed or may meet a different exemption listed in § 63.2-1715. The general email address for exemptions is exemptions@dss.virginia.gov.

<i>Program</i>	<i>Criteria</i>
<i>If the program meets ALL of the criteria for any of the program types below, the program is NOT considered child care and no further action is needed.</i>	
Single Focus Instructional Program (63.2-1715 A.1)	<ul style="list-style-type: none"> • Does the program offer instruction in only one subject area? (<i>Examples include computer science, archaeology, sports clinics, and music</i>) • Does the program only serve children age 6 and older? • Is the maximum time children are allowed to attend no more than 25 days in any three-month period? <p><u>Note:</u> Programs that simply change focus areas would not qualify for this exemption.</p>
Instructional Program or Recreational Activity (63.2-1715 A.2)	<ul style="list-style-type: none"> • Is the maximum time that a child under age 6 may attend 6 hours per week or less? Is the duration of any class or activity 1.5 hours or less? • Is the maximum time that a child over 6 may attend 6 hours per week or less when school is in session and 12 hours per week when school is not in session? • Note: Competition, performances, and exhibitions related to the instructional program or recreational activity do not count towards the weekly hours
Private School Instructional Program and School-Sponsored Extracurricular Activities (63.2-1715 A.3)	<ul style="list-style-type: none"> • Is the program offered by a private school? • Does the program only serve school-age children? • Does the program satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Act (IDEA)? • Does the program include school-sponsored extracurricular activities that are focused on single interests such as music, sports, drama, civic service, or foreign language?

<i>Program</i>	<i>Criteria</i>
Public School Instructional Program and School-Sponsored Extracurricular Activities (63.2-1715 A.4)	<ul style="list-style-type: none"> • Is the program offered by a public school? • Does the program only serve preschool age children? • Does the program satisfy compulsory attendance laws or provide services under Individuals with Disabilities Act (IDEA)? • Does the program include school-sponsored extracurricular activities that are focused on single interests such as music, sports, drama, civic service, or foreign language?
Early Intervention Program (63.2-1715 A.5)	<ul style="list-style-type: none"> • Does the program only serve children birth through 3 years old? • Are children eligible for the program through Individuals with Disabilities Act (IDEA) Part C? • Do children hold Individual Family Service Plans (IFSPs)? • Is the program administered by the Virginia Department of Behavioral Health and Development Services (VBHDS) and Medicaid? • Is the maximum time children are allowed to attend 6 hours per week?
Competitive Sports (63.2-1715 A.6)	<ul style="list-style-type: none"> • Does the program include competitive sports practices and competitions? <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Is the program an organized sports league?
Religious Instruction Program (63.2-1715 A.7)	<ul style="list-style-type: none"> • Is the program religious instruction such as a Sunday school, vacation Bible school, Bar Mitzvah or Bat Mitzvah class? <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Is the program a religious institution nursery offered during religious service or activity while parents are onsite?
Summer Instructional or Athletic Program (63.2-1715 A.8)	<ul style="list-style-type: none"> • Is the program held during the summer? • Is the program an extension of an accredited private elementary, middle, or high school program (§ 22.1-19)? • Is the program administered by the Virginia Council for Private Education?

<i>Program</i>	<i>Criteria</i>
<i>If the program meets the criteria for any of the program types below, the program may be exempt from licensure.</i>	
Religiously Exempt Child Day Center (63.2-1715 B.1)	<ul style="list-style-type: none"> • Does the program meet the exemption requirements in § 63.2-1716?
Come and Go Program (63.2-1715 B.2)	<ul style="list-style-type: none"> • Does the program only serve school-age children? • Does the program have a written policy that is given to and signed by the children’s parent that children are free to come and go freely from the premises?
Short Term Program (63.2-1715 B.3)	<ul style="list-style-type: none"> • Does the program operate a maximum of 20 program days in the calendar year? • Does the program serve children under age 6 and operate no more than two consecutive weeks without a break of at least a week?
Child Minding Service (Commercial or Recreational) (63.2-1715 B.4)	<ul style="list-style-type: none"> • Is the program held onsite at a commercial or recreational establishment? • Do children attend for a maximum of 3 hours per day? • Can parents be easily contacted and resume responsibility for the child within 30 minutes? • Are the parents of the children present in the program receiving or providing services or participating in activities offered by the establishment?
Certified Preschool or Nursery School Program (63.2-1715 B.5)	<ul style="list-style-type: none"> • Does the program meet all of the exemption requirements in § 63.2-1717?
Local Government Recreational Program (63.2-1715 B.6)	<ul style="list-style-type: none"> • Is the program offered by local government? • Is the program staffed by local government employees? • Does the program only serve school-age children? <p><u>Note</u>: These programs are subject to local government’s safety and supervisory standards</p>

<i>Program</i>	<i>Criteria</i>
<p>Local School Division Program (63.2-1715 B.7)</p>	<ul style="list-style-type: none"> • Does the program operate 4 hours per day or less? • Is the program staffed by local school division employees? • Is the program attended by children at least 4 years old AND enrolled in public school or preschool program within such school division? <p><u>Note:</u> These programs are subject to local school division's safety and supervisory standards</p>
<p>Child Minding Services (Business) (63.2-1715 B.8)</p>	<ul style="list-style-type: none"> • Is the program held onsite at a business where the parent is employed? • Does the program operate 8 hours per day or less? • Is the maximum number of children in care at any one time 4 children or less? • Are the parents of the children in care an employee, onsite, and able to resume responsibility for the child within 30 minutes?