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Subject: 2019 Legislative Implementation
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 12, 2019

TO: Religiously Exempt Child Day Centers

FROM: Tara Ragland, Director
Division of Licensing Programs

SUBJECT: 2019 Legislative Implementation

This memo will inform you of legislation that passed in the 2019 Virginia General Assembly session that affects religiously exempt child day centers. The legislation will become effective July 1, 2019.

House Bill 1627

[HB 1627](#) requires inspections of child welfare agencies to be prioritized in the following order:

- 1) Complaint inspections for licensed, registered, license-exempt, or unlicensed;
- 2) Non-complaint inspections of licensed or registered programs;
- 3) Inspections of license-exempt or unlicensed child welfare agencies that have entered into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant, other than inspections conducted in response to a complaint; and
- 4) Non-complaint inspections of license-exempt and unlicensed programs.

Senate Bill 539

[SB 539](#) was passed in 2018 and had a delayed effective date of July 1, 2019. This legislation 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.

Changes to § 63.2-1716, the section of the Code of Virginia for religiously exempt child day centers, include the requirements to post the exemption from licensure; to have a staff person trained and certified in first aid and CPR present whenever and wherever children are present; and to comply with safe sleep practices for infants. The ratio of staff to children has been adjusted, lowering the number of children per staff and creating new age groups. The new ratios are:

- 1 staff to 4 children ages 0 to 16 months
- 1 staff to 5 children ages 16 months to 24 months
- 1 staff to 8 children ages 24 months to 36 months
- 1 staff to 10 children ages 36 months to 5 years
- 1 staff to 20 children ages 5 to 9 years
- 1 staff to 25 children ages 9 to 12 years

Programs falling under this exemption shall establish and implement procedures for ensuring all incidents involving serious physical injury or death to children attending the program are reported to the Commissioner. Reports of serious physical injuries, which shall include any physical 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.

Please contact your licensing inspector or licensing office if you have any questions.