

SB 1239 License Exempt Bill Conference Agreement

February 25, 2017



SB 1239 as passed by the Senate on February 6 sought to provide some minimal safety protections for children in license-exempt care (i.e., center-based settings exempt from child care licensing requirements). The House made a few minor changes before passing the measure, which meant a final bill had to be negotiated by a House-Senate conference. The conference agreement contained the minimum protections for children in license-exempt programs, but it also repealed a section of the Virginia Code (63.2-1716) that applied to the safety of Virginia children, including infants, in child care in religious institutions. **The new requirements as well as the repeal of safety requirements for child care in religious institutions takes effect in July of 2017.**

SB 1239 Requirements (newly required for license exempt programs)	Required Under Current VA Law for License Exempt Care Generally	Required Under Current VA Law for Religious License- Exempt Child Care	REPEALED Requirements that currently apply to child care in religious institutions
File annually with the Commissioner under a specific license exemption category	No	Yes	Local health department and fire marshal inspections to ensure centers are in compliance with food service activities, health & sanitation, water supply, building codes, and fire codes.
Report to the Commissioner all serious injuries and deaths at the program	No	No	
Post in a visible location on the premises that the program is exempt from licensure so parents will know	No	No	Child:Staff ratios for safety (supervision generally & evacuation if necessary) [e.g., 1 staff member for every 4 children under age 2, etc.].
Required of license-exempt programs <u>except</u> certified preschools & Parks and Recreation Programs and local school school-age before and after school programs			Notice to parents of staff qualifications (e.g., training)
A staff person certified in CPR	No	No	Requirement to report any suspected cases of abuse and neglect
Maintain daily attendance records	No	Daily intake and dismissal procedures required	Handwashing by staff and children before eating and after toileting and diapering
Have an emergency preparedness plan in place	No	No	Appropriate supervision of all children in care, including daily intake and dismissal procedures
Comply with any applicable transportation laws	No	No	Daily simple health screening and exclusion of sick children
Comply with Safe Sleep guidelines for babies recommended by the American Academy of Pediatrics	No	No	All areas of the premises accessible to children are free of injury hazards, & requires sand or other cushioning material under playground equipment
Comply with background check requirements to be determined by the Board of Social Services	No	Name-based checks required	Ensuring that all children are in compliance with current law regarding immunizations
Inspections to be determined by the Board of Social Services (based on above requirements)	No	Inspections may be conducted but not required	Staff under age 18 are required to be supervised