



COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
Office of the Commissioner

S. Duke Storen
Commissioner

October 1, 2020

MEMORANDUM

TO: The Honorable Ralph S. Northam
Governor of Virginia

The Honorable Janet D. Howell
Chair, Senate Finance and Appropriations Committee

The Honorable Luke E. Torian
Chair, House Appropriations Committee

Daniel Timberlake, Director
Department of Planning and Budget

FROM: S. Duke Storen *S. Duke Storen*

SUBJECT: Annual Report on Implementation of Chapter 758 of the 2015 Acts of Assembly

I am pleased to submit the Department of Social Services' report on implementing Chapter 758 of the 2015 Acts of Assembly. Chapter 758 was an omnibus bill addressing child care health and safety. If you have questions or need additional information, please contact me.

SDS:kc
Attachment

Report on the Implementation of Child Care Health and Safety Legislation

Chapter 758 of the 2015 Acts of Assembly

July 1, 2019 - June 30, 2020

Report Mandate

Chapter 758 of the 2015 Acts of Assembly provided enhanced health and safety measures in child care settings. Item 357.E. of the 2020 Appropriation Act requires the Department of Social Services (DSS) to “provide an annual report, not later than October 1 of each year for the preceding state fiscal year ending June 30, on the implementation of this initiative to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.”

Background

Chapter 758 of the 2015 Acts of Assembly addressed multiple issues regarding health and safety in child care settings. There were multiple requirements with varying implementation dates. Below is a description of DSS’ implementation efforts for the period of July 1, 2019 through June 30, 2020.

Section 63.2-100 of the Code of Virginia (Code) revised the licensing threshold for family day homes, requiring licensure when there are five children in care, effective July 1, 2016. A corresponding change was made in § 63.2-1704 of the Code, allowing a family day home provider to be voluntarily registered when caring for four or fewer children, effective July 1, 2016. In FY16 a total of 1,269 licensed family day homes and 892 voluntarily registered family day homes with fewer than 4 children were operating. In FY17, after the effective date of the threshold change, the number of licensed family day homes increased to 1,369 and the number of voluntarily registered family day homes decreased to 799. In FY20, a total of 1,438 licensed family day homes and 334 voluntary registered family day homes operated. In FY20, a total of 408 unlicensed family day homes in the Child Care Subsidy program operated. These programs are annually inspected and receive technical assistance from licensing inspectors.

Based on the Fiscal Impact Statement of the legislation, it was projected that 79 positions would be needed from the increased number of licensed family day homes and for the new subsidy inspections and subsidy oversight by licensing inspectors. This number was reduced to 59 positions in 2018 in the budget bill. A total of 28 licensing positions have been approved since July 1, 2016. The DSS continues to recruit for new licensing inspector positions due to this legislation. This year, two licensing administrator positions were filled, one in the Fairfax office and one in the Western office. One consultant position was filled at the home office.

Section 63.2-1701.1 of the Code requires local government to report to DSS semiannually contact information for child care business licenses for child day centers or family day homes. DSS

contacted 138 Commissioners of the Revenue and several contacts of the Treasurer's Association to inform of the new requirement. At the end of FY16, a total of 95 localities reported business licenses to DSS. This number increased in subsequent reporting years. At the time of this report, a total of 129 localities have reported since July 1, 2015, of which 27 reported stated that no business licenses are issued to child care programs. As of June 30, 2020, 45 localities had submitted business license reports to DSS in FY20.

Sections 63.2-1720.1 and 63.2-1721.1 of the Code require national fingerprint background checks for child day care providers, effective July 1, 2017. Office of Background Investigations staff screen the national fingerprint background checks. For this reporting period, 43,436 fingerprint-based checks for child day care providers were completed.

Revisions made to § 63.2-1725 of the Code added a requirement that child day centers and family day homes that receive child care subsidy payments must comply with federal law and regulations. VDSS developed and implemented a preservice health and safety training required by the Child Care and Development Block Grant Act on August 1, 2016. The 10-hour online course, "Virginia Preservice Training for Child Care Staff" is offered through Penn State's Better Kid Care program at no cost to Virginia child care providers. For this reporting period, 9,563 child care practitioners completed the required health and safety training and 13,889 child care practitioners completed the Virginia Health and Safety Update Training for Child Care Staff.

Conclusion

The DSS has implemented the requirements for Chapter 758 of the 2015 Acts of Assembly. The agency will continue to monitor the various aspects of these requirements and report on ongoing operations. Beginning July 1, 2021, the Virginia Department of Education will assume oversight of health and safety standards in child care settings, pursuant to Chapters 860 and 861 of the 2020 Acts of Assembly.