



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
*Office of the Commissioner*

S. Duke Storen  
Commissioner

October 25, 2021

**MEMORANDUM**

**TO:** Honorable Ralph Northam  
Governor of Virginia

Honorable Janet D. Howell  
Chairman, Senate Finance

Honorable Luke E. Torian  
Chairman, House Appropriations

Daniel Timberlake, Director  
Department of Planning and Budget

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

**SUBJECT:** Report on Implementing Child Care Health and Safety Measures

I am pleased to submit the annual report on implementing Item 357 E. of the 2021 Appropriation Act, regarding health and safety in child care settings. If you have questions or need additional information concerning this report, please contact me.

SDS:kc

Attachment

## **Report on the Implementation of Chapter 758 of the 2015 Acts of Assembly**

**July 1, 2020 - June 30, 2021**

### **Report Mandate**

The Department of Social Services shall provide an annual report on the implementation of Chapter 758 of the 2015 Acts of Assembly (House Bill 1570 / Senate Bill 1168) to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

### **Background**

Chapter 758 of the 2015 Acts of Assembly was a combination omnibus bill addressing multiple issues regarding child care health and safety. There are multiple requirements with varying implementation dates. Below is a description of the Department of Social Services' (DSS) implementation efforts this year.

Section 63.2-100 of the Code of Virginia (Code) changed the licensing threshold for family day homes from six to 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. Due to the legislation change decreasing the licensure threshold, additional staff were needed to register and license the increased number of family day homes. No positions related to this legislation were filled during this reporting period due to the public health emergency caused by COVID-19 that resulted in a hiring freeze that began on April 2, 2020. After the hiring freeze was lifted in October, 2020, no additional staff were hired due to the planning for the transition of child care regulatory authority to the Department of Education (DOE) beginning July 1, 2021.

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. As of June 30, 2021, 38 of 133 localities have submitted business license reports to DSS in SFY21. A total of 129 localities have reported since July 1, 2015.

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. In SFY21, 33,676 fingerprint based background 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 enter into a contract with DSS to provide child care services (subsidy child care providers) shall comply with federal law and regulations. The preservice health and safety training required by the Child Care and Development Block Grant Act and subsequent federal regulation was developed and implemented August 1, 2016 in Virginia. 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 SFY21, 7,195 child care practitioners completed the required health and safety training and 11,772 child care practitioners completed the Virginia Health and Safety Update Training for Child Care Staff.

On July 1, 2021, pursuant to Chapter 860 of the 2020 Acts of Assembly, authority to license and regulate child care programs was moved from the Virginia Department of Social Services to the Virginia Department of Education. The Virginia Department of Education now oversees child care licensing and the expenditures from the Child Care and Development Block Grant fund.

**Conclusion**

The Department has implemented the requirements for Chapter 758 of the 2015 Acts of Assembly. All authority and activities for this legislation has transferred to the Department of Education, effective July 1, 2021.