

# VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

## CHAPTER 187

*An Act to amend and reenact § 22.1-289.02 of the Code of Virginia, relating to early childhood care and education; publicly funded providers; exclusions.*

[H 1685]

Approved March 21, 2025

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-289.02 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-289.02. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Early childhood care and education entity" means a child day center, family day home, or family day system serving children under the age of five.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Head Start provider" means a public or private, nonprofit or for-profit organization or agency, including any community-based organization, as such term is defined in 20 U.S.C. § 7801, to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

"Publicly funded provider" means any (i) educational program provided by a school division or local government to children between birth and age five or (ii) child day program that receives state or federal funds in support of its operations that serves three or more unrelated children. "Publicly funded provider" does not include any program for which the sole source of public funding is the federal Child and Adult Care Food Program (CACFP) administered by the U.S. Department of Agriculture Food and Nutrition Service *or any program for which the sole source of public funding is financial assistance for military child care pursuant to 10 U.S.C. § 1798 and that is accredited by a U.S. Department of Defense-approved national accrediting body.*

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Superintendent.

**2. That any program that receives financial assistance for military child care pursuant to 10 U.S.C. § 1798 and is accredited by a U.S. Department of Defense-approved national accrediting body and is thereby excluded from the definition of "publicly funded provider" pursuant to § 22.1-289.02 of the Code of Virginia, as amended by this act, shall subsequently be considered a publicly funded provider if each child for whom such program receives such financial assistance for military child care either disenrolls from or ages out of such program.**