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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-790 8VAC20-800 8VAC20-810 8VAC20-821 8VAC20-850
VAC Chapter title(s)	Child Care Program Standards for Licensed Family Day Homes Minimum Standards for Licensed Family Day Systems General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks Voluntary Registration of Family Day Homes - Requirements for Providers
Action title	Exempt Action for Chapter 917 of the 2026 Acts of the Assembly
Final agency action date	August 27, 2026
Date this document prepared	August 27, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

HB258 replaces “family day home” and its derivatives with “home-based child care” throughout the Code of Virginia. The legislation directs the Board of Education to make changes to its regulations in order to

effectuate the provisions of the legislation. This regulatory action replaces “family day home” and its derivatives with “home-based child care” throughout the Board’s regulatory catalogue.

References to the repealed 8VAC20-770 will be replaced with references to the current 8VAC20-821.

References to the Office of Child Care Licensing will be replaced with references to the Office of Child Care Health and Safety

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

HB258 provides the mandate for this regulatory action.

The repeal of Background Checks for Child Day Programs and Family Day Systems (8VAC20-770) and the promulgation General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks necessitates the updates to language referencing the repealed chapter.

VDOE’s Office of Child Care Licensing is now known as the Office of Child Care Health and Safety. The name will be updated throughout the affect chapters. This name change is a technical change which qualifies as an exempt action under § 2.2-4006 (3) of the Code of Virginia.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On August 27, 2026, the State Board of Education adopted final amendments to Child Care Program, Standards for Licensed Family Day Homes, Minimum Standards for Licensed Family Day Systems, General Procedures for the Licensure of Child Day Programs and Family Day Systems and Background Checks, and Voluntary Registration of Family Day Homes - Requirements for Providers