



# COMMONWEALTH of VIRGINIA

## **Joint Guidance for Emergency Child Care during Statewide School Closure** Virginia Department of Social Services & Virginia Department of Education *Updated March 31, 2020*

### **Background:**

On Monday March 23, Governor Ralph Northam extended his order that all public and private K-12 schools in Virginia close in response to the continued spread of COVID-19 for the remainder of the school year. This builds on the [Governor's previous school closure order](#) and previously issued [guidance asking child care providers](#) to prioritize services for children of essential personnel, while asking all families keep their children home if they can.

Recognizing the significant impact of this school closure on families around the Commonwealth, the Governor simultaneously called on communities to provide emergency child care to young and school-aged children of essential personnel during this unprecedented pandemic. Within the healthcare industry alone, this includes approximately [80,000 children](#) under age 12 in Virginia.

This potential child care crisis necessitates an urgent public-private response. This document outlines a variety of options and waivers which different public and private entities and communities should consider in order to provide safe child care alternatives for essential personnel while maintaining stringent health protocols to minimize the risk of additional COVID19 spread. For purposes of this document only, essential personnel are defined at the bottom of this document.

The Department of Social Services (VDSS) and the Department of Education (VDOE) are working closely together in this effort to support critical members of the workforce and provide safe child care alternatives for their families. The Commonwealth's Chief School Readiness Officer, Jenna Conway, is coordinating state efforts on this matter. Any inquiries or questions should be directed to her at [jenna.conway@governor.virginia.gov](mailto:jenna.conway@governor.virginia.gov).

As a reminder, each school, whether public or private, should consult legal counsel to ensure compliance with applicable federal or state laws and local ordinances. In addition, public schools should consult legal counsel to ensure compliance with the requirements for (1) the operation of child care programs outside of the regular school hours and (2) the authority to charge fees. The Commonwealth may have some discretionary funding to pay for children to attend emergency child care. However, federal, state and local funds appropriated to establish, support and maintain public schools shall not be used to run emergency child care.

## **Existing Child Care Providers in Centers and Family Day Homes:**

Existing child care providers operating in the Commonwealth will continue to play an immensely important role in providing quality care for families during this uncertain time. Child care providers themselves, whether in child care centers or family day homes, are essential personnel and are experts in providing safe, healthy and supportive environments to young children including during times of crisis.

Any existing provider can continue to offer child care to families, and must prioritize services to children of essential personnel. Providers that have closed may reopen to serve essential personnel if complying with new health and safety guidance. On March 18, the Commissioner of VDSS issued [a letter](#) with guidance for child care providers operating in the Commonwealth, including group size limits of 10 and stringent public health guidelines to prevent the spread of COVID19. There is [an additional FAQ document available](#).

If you are a child care provider that is continuing to operate to serve essential personnel, notification with the Commonwealth through its contract with Child Care Aware is required. Please update your operating status online at <https://vachildcare.com/> or contact 866-KIDS-TLC.

## **Public Schools:**

School divisions have a few options for the ways in which they may choose to offer emergency child care services to essential personnel at this time. As stated in [previous VDOE guidance for divisions](#), the use of any school facility remains a local decision.

Divisions are exempt from state licensure requirements provided they:

- operate no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week; or
- operate with school division personnel for no more than 4 hours a day and serve children that are at least 4 years old and who are enrolled in a public school or preschool program within the school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

If a school division seeks to operate for a longer time period or to serve younger children, they would require licensure by VDSS. VDSS will expedite the licensing process to allow Divisions to obtain licensure to operate a child day center. Schools are already set up to meet many of the licensure requirements such as meeting building, fire and health codes, and having safe playgrounds.

Divisions offering emergency child care are required to report such offerings to the VDOE by emailing [Superintendent@doe.virginia.gov](mailto:Superintendent@doe.virginia.gov).

Additionally, schools may apply for a variance from the Governor's order to close schools and offer educational operations. The State Superintendent for Public Instruction has the authority to issue variances on a case by case basis in limited circumstances, including instances where schools are serving students of essential personnel. Information about applying for a variance is [online here](#).

### **Child Care Providers in Schools (e.g., YMCA and others):**

Community partners who are licensed by VDSS to offer before and/or after care to school-aged children in school settings can apply to VDSS for a modification to their existing license to offer full child care to children of essential personnel while following VDSS guidelines for care, including group size limitations of 10. As stated in [VDOE guidance for Divisions](#), the use of any school facility remains a local decision but schools and private providers are encouraged to collaborate. All requests for a change in licensure status should be submitted to the program's licensing inspector.

Additionally, notification with the Commonwealth through its contract with Child Care Aware is required of providers continuing to operate. Please report your operating status online at <https://vachildcare.com/> or contact 866-KIDS-TLC.

### **Private Schools:**

Private schools offering K-12 education are covered under the Governor's school closure order. However schools offering educational programming to school-aged children of essential personnel may apply for a variance from the Governor's order. All programs will be required to follow state guidance on child care health and safety protocols. The State Superintendent for Public Instruction has the authority to issue variances on a case by case basis in limited circumstances, including instances where schools are serving students of essential personnel. Information about applying for a variance is [online here](#).

Private schools may operate emergency child care and are exempt from state licensure requirements provided they operate no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

Any private school with a religious exemption status, or operating a certified preschool or nursery school program exempt under Virginia Code § 63.2-1715(B)(5) or currently licensed by VDSS that is serving children of essential personnel is able to continue operating under the [VDSS guidelines for child care operations issued on March 18](#). Notification with the program's licensing inspector and with the Commonwealth through its contract with Child Care Aware is required for those continuing to operate. Please report your operating status online at <https://vachildcare.com/> or contact 866-KIDS-TLC.

Any private school wanting to obtain licensure to operate a child day program should also contact VDSS, who will provide an expedited licensing process.

### **Local Governments:**

Local governments can operate a child care program and be exempt from state licensure requirements by offering recreational activities for school-aged children. Such programs must be staffed by local government employees and must comply with local health and safety requirements in addition to following [VDSS guidelines for health and safety, including group size limitations of 10](#). Please report your operating status with the Commonwealth through its contract with Child Care Aware at <https://vachildcare.com/> or contact 866-KIDS-TLC.

### **For Employers of Essential Personnel:**

*How do I ensure that my employees who must continue working can find emergency child care for their children during extended school closures?*

Mandated school year closures are having a significant impact on families all across the Commonwealth. The Governor is strongly encouraging public and private partners to collaborate creatively to offer emergency child care for young and school aged children of essential personnel. Employers may be able to help establish and/or subsidize the cost of emergency care in center, school or family day home settings; and may direct employees to call contact 866-KIDS-TLC or go online to <https://vachildcare.com/> to identify alternative options available to them at this time.

*If I want to help cover the costs of such care, how can I do so?*

In some communities, employers and philanthropic partners are covering costs associated with emergency child care. We encourage those interested in doing so to work with local partners to meet the emergency child care needs of essential personnel.

### **For Essential Personnel:**

*How do I find care for my child(ren) while I continue to work?*

VDSS, through its contract with ChildCare Aware of Virginia, is tracking centers that are continuing to operate. You can search for emergency child care near you by contacting 866-KIDS-TLC or going online to <https://vachildcare.com/>. Please note that this information is continuing to evolve, and contacting local schools and centers near you may also be useful.

*I'm not sure I can afford care for my child(ren) while I continue to work, what do I do?*

The Child Care Subsidy Program assists families in paying child care costs for children under age 13 who are not eligible to attend public school during the part of the day when public education is available, or children with special needs under age 18 who reside with the applicant. If you are eligible and are approved for services, the Subsidy Program can pay a portion of your child care costs directly to child care providers that participate with the Subsidy Program.

Special provisions, extensions and waivers have been extended to families due to the COVID19 circumstances, all of which are outlined in [this letter from Commissioner Storen](#) and in this [FAQs](#). To learn more about eligibility requirements and to apply, please visit [CommonHelp](#).

*\*For purposes of this guidance document only, essential personnel are the first-responders, health care workers, and others who help maintain the health, safety, and welfare of the Commonwealth's residents. Here are examples of essential personnel:*

- *Providers of healthcare including, but not limited to, workers at clinics, hospitals, Federally Qualified Health Centers (FQHCs), nursing homes, long-term care and post-acute care facilities, respite houses, designated agencies and emergency medical services;*
- *Essential government employees including public health employees and employees who oversee or support all the other functions included in this list;*
- *Criminal justice personnel including those in law enforcement, courts, and correctional services;*
- *Police, firefighters, and military;*
- *Employees who operate shelters or other essential services for adults, children and families;*
- *Employees who ensure continuity of basic services such as electricity/gas, water, internet, plumbing, sanitation and garbage removal;*
- *Employees who ensure essential transportation including public transportation, trucking and health care-related transportation;*
- *Employees who ensure essential food, pharmaceutical and supplies access (e.g., grocery, food bank, feeding programs, drug store, hardware store); and*
- *Staff and providers of child care and education services (including custodial and kitchen staff and other support staff) for children of other essential personnel.*

*Note that these examples are not exhaustive and the definition of essential personnel may evolve as needed to respond to the crisis.*