

LEVERAGING AMERICAN RESCUE PLAN (ARP) FUNDS FOR SUMMER & CHILD DAY LICENSURE REQUIREMENTS

Essential Information
for School Divisions



Summer Programs are Essential to COVID Recovery

The American Rescue Plan Act (ARP) has made funds available to Local Education Agencies in Virginia to support learning recovery as a result of the COVID-19 pandemic. Summer learning programs have a long history of offering a spectrum of benefits for children and youth, including physical and mental health, social and emotional development, and academic learning—all of which are critical to a prosperous post-pandemic future.

Child Day Licensure Meets Summer Programs

However, just as these funds have been made available, other changes at the Virginia Department of Education (VDOE) have been taking place. Administration of the Code of Virginia, Child Day Licensure Requirements shifted to VDOE and went into effect on July 1, 2021. The Virginia Code impacts out-of-school time (OST) programs, including before-school, after-school, and summer enrichment programs offered by school divisions, local governments, or community-based organizations serving children 12 years old and younger.



About ARP Funded Summer Programs

Under Section 2001(e)(1) of the ARP Act, school divisions must use at least 20% of their ARP Act ESSER III funds to address learning loss through evidence-based interventions. School divisions were encouraged to prioritize addressing unfinished learning by implementing before and after school programs, and summer programs. ¹ Additionally, grant funds were awarded to Local Education Agencies to receive ARP Act ESSER III State Set-Aside funds to support recovery through summer programs.



VA School Divisions receiving ARP State Set-Aside Funds for Summer Programming

VA School Divisions planning to use local ARP funds for summer learning



ARP Funded Summer Programs

Require programs be at least four days per week, four hours per day, and at least eight weeks in duration or the equivalent number of hours. ²

$$4 \text{ days} \times 8 \text{ weeks} \times 4 \text{ hrs a day} = 32 \text{ days}/128 \text{ hours}$$

1. https://www.doe.virginia.gov/administrators/superintendents_memos/2022/022-22.pdf

2. https://www.doe.virginia.gov/administrators/superintendents_memos/2021/316-21.pdf

Child Day Program Status & Exemptions

- The Code of Virginia, identifies eight programs that are not considered child day programs and therefore require no action. (See§ 22.1-289.030)3
- There are eight child day programs that may file for exemption from licensure.
- ARP-funded Summer Programs, likely are considered a Child Day Program and would need to file for licensure or exemption from licensure.

Relevant Child Day Program Exemptions

- 22.1-289.030 B2: A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission;
- 22.1-289.030 B3: A program that operates 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
- 22.1-289.030 B7: A program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. 3

Are there cases where licensing is required of a school division using ARP funds for summer?

Potentially, such as an ARP-funded program running more than 4 hours and 20 days.

3. <https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.030/>

Understanding Licensure and Exemptions

General

- Presentation slides from [How do Child Day Licensure Requirements Affect Afterschool and Summer Learning Programs](#)

Exemption

- Exemptions listed in § [22.1-289.030](#) of the Code of Virginia
- To file an initial exemption, [access the Provider Portal, CCAPS](#)
- To file an annual exemption, use [the Statement of Exemption](#)
- Questions related to whether or not your program may be exempt from licensure or the filing process can be sent by email cclexemptions@doe.virginia.gov

Licensure

- [Child Day Center information](#)
- [Standards for Licensed Child Day Center](#)



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About The Virginia Partnership for Out-of-School Time (VPOST)

VPOST is the statewide network dedicated to building a connected and coordinated system of quality out-of-school time programming in every Virginia community.

Learn more at www.v-post.org and [sign up for our newsletter](#) to stay up to date on the latest out-of-school time news.