



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VA 23218-2120

July 20, 2026

DELIVERED BY EMAIL
RECEIPT REQUESTED

Adam.Kennedy@swimrichmond.org
CPaulk@hirschlerlaw.com
AGump@oag.state.va.us

Adam Kennedy, SwimRVA Executive Director
SwimRVA-North
317 North Wilkinson Road
Richmond, Virginia 23227

cc: Hirscher Law Firm
Attention: Courtney Paulk, Esquire
2100 East Cary Street
Richmond, Virginia 23223

Dear Mr. Kennedy:

Based on requirement of Va Code § 22.1-289.011, interviews conducted June 29, 2026, and review of documentation received on June 25, 2026 and July 7, 2026, the general summer swim camp offered at SwimRVA-North (SwimRVA), and SwimRVA summer camp generally, is operating or maintaining a child day program (as defined in Va Code § 22.1-289.02) without first obtaining a license or meeting an exemption identified in § 22.1-289.030 of the *Code of Virginia*.

SwimRVA is not licensed to operate a child day program in Virginia. SwimRVA does **not** meet the following exemptions asserted to the Department on July 7, 2026: §§ 22.1-289.030 (A)(1), (A)(2), and (B)(11).

Va Code § 22.1-289.030 (A)(1) exempts: "A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children

merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.”

First, SwimRVA “Swim Camp” (SwimRVA), is not a “single focus” instructional program. SwimRVA provides nine hours per day of camp programming Monday through Friday, that offers a range of activities for children to include out-of-water kick ball, human bowling, and relay races. Of the nine hours per day of activities, our investigation shows that only one and one-half hours are dedicated to swimming lessons, the website designates two hours. This program would satisfy the single-focus exemption if the camp operating hours were equally restrictive to swim lessons and/or pool time. However, due to the other non-swimming activities provided during the day, the single focus exemption does not apply.

Second, the distinction that SwimRVA is *not* a single-focus program removes the conditional requirement for Swim-RVA to satisfy the attendance mandates under this exemption. At the time of investigation SwimRVA had not developed or implemented a policy or procedure that would have prevented any child from attending more than 25 days in any three-month period. It is unknown whether a child did attend more than 25 days in any three-month period. SwimRVA has alleged they have corrected this attendance tracking concern.

Third, there are no children under the age of six that attend this camp and this is not at issue.

Va Code § 22.1-289.030(A)(2) exempts “programs of instructional or recreational activities wherein no child under age five attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child five years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances, and exhibitions related to instructional or recreational activity shall be excluded when determining the hours of program operation.”

SwimRVA-North allows children six years of age and older to attend “swim camp” for more than 12 hours weekly during the summer while participating in activities outside of the competition, performances, and exhibition scope restriction. The program does not meet the requirements of this exemption.

Va Code § 22.1-289.030 (B)(11) exempts “an out-of-school time program pursuant to Va Code § 22.1-289.02 that (i) is affiliated with a national organization with established health and safety requirements; (ii) is in compliance with any health and safety requirements established by the national organization described in clause (i); (iii) has adopted standards and requirements relating to staff training and qualifications that are consistent with the Board's regulations relating to staff training requirements and qualifications; (iv) requires all applicants for employment, employees, applicants to serve as volunteers, and volunteers to undergo a background check in accordance with § 22.1-289.039 and, if applicable, in accordance with the provisions of § 22.1-289.040; and (v) has policies and procedures relating to emergency preparedness and response, child abuse prevention and response, and internal incident reporting and investigation. If there is a conflict between any of the health and safety requirements established by the national organization or any other standards, requirements, policies, or procedures adopted by the out-of-school time program

and the Board's regulations, the Board shall conduct an internal review process and consult with the out-of-school time program provider to ensure substantial compliance with the Board's regulations." The Department notes this section requires all requirements be met in order to satisfy the exemption.

First, SwimRVA failed to meet Va Code § 22.1-289.030(B)(11)(iii) above, requiring SwimRVA adopt standards and requirements related to staff training and qualifications that are consistent with the Virginia Board of Education's regulations relating to staff training requirements and qualifications. The responses provided during Department investigation indicate that SwimRVA is affiliated with the American Red Cross and the Pool and Hot Tub Alliance. Neither of these organizations have requirements related to staff training and qualifications that are consistent with the Board's regulations, such as 8VAC20-780, Standards for Licensed Child Day Centers. Based on a review of the documentation provided as part of this investigation, SwimRVA has not adopted requirements related to staff training and qualifications that are consistent with the Virginia Board of Education's regulations.

Second, SwimRVA failed to meet Va Code § 22.1-289.030(B)(11)(iv) above, obliging the exempted program require applicants for employment and volunteers to undergo background checks in accordance with the provisions of Va Code § 22.1-289.039. Pursuant to Va Code § 22.1-289.030(B)(11), "exempt out-of-time school programs are required to complete background checks in accordance with § 22.1-289.039 and, if applicable, § 22.1-289.040." Specifically, Va Code § 22.1-289.039 requires "any child day center that is exempt from licensure... shall require all applicants for employment, employees, applicants to serve as volunteers, and volunteers and any other person who is expected to be alone with one or more children enrolled in the child day center to obtain a background check in accordance with § [22.1-289.035](#)." Va Code § [22.1-289.035](#) requires applicants complete a sworn disclosure statement, national criminal history fingerprint check, central registry search request, and possibly out of state background checks if any employee has resided outside of Virginia for (5) years prior to employment.

SwimRVA conducts Background Checks prior to hire using Sterling/First Advantage company, who conducts the following searches on their behalf: Enhanced Nationwide Criminal Search; County Court Search; Department of Justice Sex Offender Search; External Global Sanctions; and SSN Trace. Additionally, SwimRVA has stated they disqualify anyone convicted of a barrier crime consistent with the statute.

However, SwimRVA does not meet the background check requirement of this exemption for the following reasons: 1) SwimRVA does not require a sworn disclosure statement from its applicants; 2) The company that SwimRVA uses to complete its background checks does not satisfy the Code requirements for this exemption; and 3) SwimRVA does not obtain central registry search results for its applicants. Generally, the statutory requirement under this exemption expressly requires SwimRVA complete background checks that are processed through the Virginia Department of Social Services, the Virginia State Police and the Federal Bureau of Investigation (FBI). The current background check process that SwimRVA uses does not include the Virginia Department of Social Services eligibility determination on the individual being searched, as required by law.

Finally, the investigation revealed that SwimRVA-North operates similarly or identical to SwimRVA-CSAC and SwimRVA-Meadowbrook Camps. Pursuant to a search on the public database Virginia State Corporation Commission, all three summer-camp-campus appear to operate under one entity named the Greater Richmond Aquatics Partnership, and the various SwimRVA summer-camp-campus are registered as d/b/a or fictitious names. A child may register to attend one location for one week and may attend a different campus for a different week. As a result of its investigation, all campuses of SwimRVA summer camp are subject to license.

The Department of Education demands SwimRVA immediately come into compliance with the requirements for licensure or exemption. The Department requires SwimRVA submit a plan of compliance indicating what specific changes SwimRVA will immediately implement to bring its program into compliance. This plan must be received by email on or before **close of business on Monday July 27, 2026**, and must be sent by email to the main licensing inspector of record Jennifer Moore (Jennifer.moore@doe.virginia.gov) and Licensing Administrator Sherry Lumbard (sherry.lumbard@doe.virginia.gov).

If SwimRVA summer camps fail to come into full compliance, they must close on or before **August 14, 2026**. If SwimRVA summer camps fail to mitigate these concerns, SwimRVA summer camps must close on or before July 31, 2026.

A Department licensing inspector will complete an on-site follow-up inspection to ensure SwimRVA summer camps are in compliance with mandatory regulatory requirements.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeff S. Williams". The signature is fluid and cursive, with the first name "Jeff" and last name "Williams" clearly distinguishable.

Jeffrey S. Williams
Assistant Superintendent of Child Care Health and Safety