

**INFORMATION FOR  
RELIGIOUSLY EXEMPT  
CHILD DAY CENTERS**

**March 2011**

IT IS RECOMMENDED THAT YOU PLACE THIS PACKET IN A THREE-RING BINDER AS A REFERENCE. UPDATES WILL BE MAILED AS NEEDED.

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## INTRODUCTION

Section 63.2-1716 of the *Code of Virginia* (Code) exempts from licensure child day centers operated or conducted under the auspices of a religious institution. If a child day center operated by or conducted under the auspices of a religious institution chooses not to be licensed, certain documentation must be filed annually with the Virginia Department of Social Services. In addition, the Code outlines the other requirements that religiously exempt child day centers must meet.

The information that follows serves to explain the documentation and other requirements set out in the religious exemption law.

**Section I - REQUIRED DOCUMENTATION** provides a detailed explanation of each item of documentation required to be submitted to the licensing office serving your area. A listing of licensing offices is included in Section VI. A checklist is included at the end of this section to assist you in monitoring completed requirements.

**Section II - CODE COMPLIANCE STATEMENTS** provides a detailed explanation of the "Statement of Code Compliance," one of the forms certifying information that must be submitted to the Department on an annual basis.

**Section III - BACKGROUND CHECKS** explains the requirements for background checks for religiously exempt child day centers. Section 63.2-1724 of the Code outlines the requirements for religiously exempt child day centers.

**Section IV - FORMS** includes model forms that may be used to file the required documentation for religious exemption. Copies of the forms are available at the following website: [http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers."

**Section V - APPROVAL/DENIAL/REVOCAION OF EXEMPTION** provides general information regarding consequences for failing to file the required documents for exemption, denial and revocation of an exemption, complaints, and inspections by staff of the Virginia Department of Social Services (VDSS), Division of Licensing Programs. The Code authorizes staff of the VDSS to inspect religiously exempt child day centers to confirm compliance with § 63.2-1716 of the Code and to investigate complaints.

**Section VI – CODE CITATIONS, REFERENCES AND RESOURCES** contains related Code citations, references, resources and technical assistance information that may be of assistance to you.

Please read this packet of information carefully. Paying close attention to the details contained in the packet will prevent delays in processing your religious exemption documentation.

## **SECTION I**

### **REQUIRED DOCUMENTATION**

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## REQUIRED DOCUMENTATION

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### STATEMENT OF INTENT

A statement must be prepared **ANNUALLY** by the religious institution conveying its intent to begin or continue operation of a child day center. You may copy, complete, and return the Statement of Intent model form included in Section IV, page 37 of this booklet. The model form is also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on “Current RECDC Providers.”

If this model form is not used, the statement may simply read as follows:

The (religious institution) intends to operate the  
(name of child day center) during 20\_\_/20\_\_ for children  
ages \_\_\_\_ through \_\_\_\_. The maximum number of children  
who will be served at any one time is \_\_\_\_\_.

An administrator of the religious institution such as the pastor, priest, rabbi, or an officer of the board of directors of the religious institution **MUST** sign this form or statement.

In order for the center to be under the auspices of the religious institution, the religious institution must be offering the child day center protection, support, patronage, guidance, or aid. A religious institution that is only allowing its name to be used in affiliation with the child day center does not constitute the center’s being “operated or conducted under the auspices of” that religious institution.

### CERTIFICATION OF TAX EXEMPT STATUS

The tax exempt status of the religious institution must be certified by submitting either:

- 1) a statement from the local tax commissioner's or real estate assessor's office that the real property owned and exclusively occupied by the religious institution is exempt from local taxation (only available to the religious institution that owns the property in which the center is located); or
- 2) a statement from the Internal Revenue Service (IRS) that the religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501 (c) of the Internal Revenue Code of 1954, as amended. This statement may be requested from the IRS office nearest you.

If the IRS letter of tax exempt status does not clearly state that the religious institution has tax exempt status as a “church,” the religious institution must submit either:

- a) Schedule A of IRS Form 990 - Public Charity Status and Public Support—Return of Organization Exempt From Income Tax; or

b) the purpose clause from their organizing document [to form a corporation (including a limited liability company), trust, or unincorporated association] as required in Schedule A of IRS Form 1023 - *Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.*

Certification of tax exempt status is usually required only at the time of initial filing of religious exemption from licensing. Your tax exempt status MUST be re-certified if the religious institution relocates or there is a change of ownership.

NOTE: The *Code of Virginia* requires tax exempt status as a nonprofit religious institution, not just the 501(c)(3) status. Information on this can be found in the IRS publication, "Tax Guide for Churches and Religious Organizations" available at the following website: <http://www.irs.gov/pub/irs-pdf/p1828.pdf>

### **LOCAL HEALTH REPORT - REPORT OF SANITARY INSPECTION**

The child day center must be inspected and approved ANNUALLY by an official from your local health department. The inspection must have occurred no more than 90 days before the date you submit your initial exemption documentation and no more than 180 days before the date you submit your annual exemption documentation thereafter. Call your local health department to request an inspection and provide the inspecting health official with a "Report of Environmental Health Inspection" form. A copy of the form is included in Section IV, page 39 of this booklet and is also available at the following website: [http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers."

Many health departments require an original carbonless form. Contact your licensing office for the carbonless form, if necessary. You should request a completed report from the inspecting health official and submit a copy of the report to the licensing office. Although the inspecting health official may send the report directly to the licensing office, it is to your advantage to be aware of what has been submitted.

### **LOCAL HEALTH REPORT - FOOD ESTABLISHMENT INSPECTION REPORT**

If your facility provides food services to any children (regardless of the number of children served), you must also submit a completed "Foodservice Establishment Inspection Report." This form will be provided by the health inspector. The official's inspection and approval must have occurred no more than 90 days before the date you submit your initial exemption documentation and no more than 180 days before the date you submit your annual exemption documentation thereafter.

If your hours of operation are such that food services are not provided or if you serve only prepackaged foods that are not potentially hazardous, you will want to discuss this with the health inspector. A Foodservice Establishment Inspection may not be necessary.

## **LOCAL FIRE OFFICIAL'S REPORT AND CERTIFICATE OF OCCUPANCY/ BUILDING INSPECTOR'S REPORT**

The requirements for exemption require that you have a fire inspection by your local or state fire official, or building official within the 90 days prior to opening and within 180 days of the date you submit your annual exemption documentation thereafter. When you are seeking an initial exemption, it is recommended that you request the inspection no later than 45 days prior to the scheduled opening date. It is recommended that you request the annual inspection no later than 90 days prior to the date you need to submit your annual exemption documentation. This will allow the official time to schedule the inspection. Failure to do so may result in delays. Please note that all localities within the Commonwealth have a building official, but not all have a fire official.

You may access a list of local fire officials at the following web site:

[http://www.vafire.com/state\\_fire\\_marshall/PDFs/FireOfficiallisting20100728.pdf](http://www.vafire.com/state_fire_marshall/PDFs/FireOfficiallisting20100728.pdf)

If you do not have a local fire official, please contact the regional office of the State Fire Marshal representing your locality. The State Fire Marshal's Office will also assist you in determining if you have a local fire official. A list of the State Fire Marshal's regional offices can be found at the following web site:

[http://www.vafire.com/state\\_fire\\_marshall/state\\_fire\\_marshall\\_regional\\_offices.html](http://www.vafire.com/state_fire_marshall/state_fire_marshall_regional_offices.html)

Licensing will accept either an inspection form provided by the fire official or Licensing's model form, "Fire Inspection Report." A copy of the model form is included in Section IV, page 40 of this booklet and is also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers."

Many fire officials require an original carbonless form. Contact the licensing office for the carbonless form, if necessary.

A copy of your Certificate of Occupancy is also required for religious exemption documentation. Special building requirements apply to facilities caring for children ages 2 ½ to 5 years, and additional requirements apply to facilities caring for children under the age of 2 ½ years.

This document is only required to be submitted for initial exemption, unless changes occur which require modification.

Many buildings constructed prior to 1973 and some after 1973 do not have a Certificate of Occupancy (CO). In this case, you may request that the local building official issue the "CO". If you are unable to locate the Certificate of Occupancy for your building, or if your building was built prior to September 1, 1973, and no Certificate of Occupancy was issued, contact the licensing office and ask for an original "Building Inspection Request" form. Your local building official or the State Fire Marshal must complete the "Building Inspection Request" form. A copy of the form is included in Section IV, page 41 of this booklet and is also available at the following website:



[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on “Current RECDC Providers.”

It is very important to contact your local building official for assistance in determining the regulations that apply to your building at the earliest stages of your planning. If you are constructing a new building, you must have approval from your local building official prior to the start of construction. If you are planning to use an existing structure, you may or may not have to make changes based on the state building and fire codes. The building official will make those decisions. A list of local building officials can be found at: [http://www.dhcd.virginia.gov/BuildingandFireCodesTraining/PDFs/Building\\_Officials\\_Directory.pdf](http://www.dhcd.virginia.gov/BuildingandFireCodesTraining/PDFs/Building_Officials_Directory.pdf)

Your building official will have jurisdiction regardless of whether or not you must make changes. However, you should also contact the fire official who has jurisdiction in your locality. If your locality has a fire official, you should contact him or her as soon as possible prior to the planned opening date to get information on the fire code regulations that you must follow.

Below are some suggestions for information to provide to the building or fire official. Please note that the list is not all inclusive.

1. Age of children to be enrolled
2. Proposed capacity for children
3. Number of staff
4. Fire Safety and Evacuation Plans (See Section IV, page 68 of this booklet)
5. Record of fire safety training for employees

### **VERIFICATION OF REQUIRED STAFF/CHILD RATIOS**

The religious exemption law requires that the following staff/child ratios be maintained:

- One staff member to four children from zero to twenty-four months;
- One staff member to ten children ages twenty-four months to six years; and
- One staff member to twenty-five children ages six years and older.

Please note that additional staff are required when the number of children exceeds the required ratio by one or more. For example:

Birth to 24 months:	1 staff required for 1-4 children
	2 staff required for 5-8 children
	3 staff required for 9-12 children
2 to 6 years:	1 staff required for 1-10 children

	2 staff required for 11-20 children
	3 staff required for 21-30 children
6 years of age and older	1 staff required for 1-25 children
	2 staff required for 26-50 children
	3 staff required for 51-75 children

Other requirements:

- Staff are counted in the staff-to-children ratio only when they are directly supervising children;
- In each grouping of children, at least one adult staff member must be regularly present. Having even one child in an age group constitutes a group. If a center had a group of children that contained two infants, eight four year olds, and 15 school age children, the center would have to have one staff member for the two infants; another staff member for the 8 four year olds; and another staff member for the 15 school-age children for a total of three staff members for this mixed age group.
- EXCEPTION: During designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 24 months to six years, only one staff member shall be required to be present with the children under supervision. In such cases, at least one staff member shall be physically present in the same space as the children under supervision at all times. Other staff members counted for purposes of the staff-to-child ratio need not be physically present in the same space as the resting or sleeping children, but shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children. The staff member who is physically present in the same space as the sleeping children shall be able to summon additional staff counted in the staff-to-child ratio without leaving the space in which the resting or sleeping children are located.
- Staff members and volunteers acting in staff positions must be at least 16 years of age;
- Staff members and volunteers acting in staff positions who are under 18 years of age must be under the direct supervision of an adult staff member, and
- Adult staff members may supervise at any one time no more than 2 staff members or volunteers acting in staff positions who are under 18 years of age.

The "Staff/Child Ratio Information Sheet" must be submitted on an annual basis. The use of this model form is recommended, but not mandatory. You may use your own format to submit this information. A copy of the model form is included in Section IV, pages 45-49 of this booklet and is also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers."

Your enrollment and staffing must be documented accurately. The instructions on the "Staff/Child Ratio Information Sheet" and the sample sheet accompanying it will provide guidance to properly verify your maintenance of the required staff/child ratios.

If your center has not yet begun operation, you may provide estimates of your expected enrollment totals and staffing assignments. In the event that actual enrollment and staffing information differs significantly from your projections, the ACTUAL staff/child ratio information must be submitted.

## **STAFF HEALTH REPORTS**

Upon beginning work and ANNUALLY thereafter, every staff person who supervises the children enrolled in your center must be certified by a practicing physician or physician assistant to be "free from any disability which would prevent him/her from caring for children." The model form, "Staff Health Report - Physician's Statement," may be used to document the physician's certification. A copy of this form may be given to each employee to be signed by a physician, physician's assistant, or nurse practitioner and returned to you for your files.

A copy of the model form is included in Section IV, page 42 of this booklet and is also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers." Use of this model form is recommended, but not mandatory. If another form is used, it must contain the statement quoted above.

## **STATEMENT OF CODE COMPLIANCE**

Section 63.2-1716, subsection A 5 of the Code, outlines requirements for religiously exempt centers including obtaining background checks, reporting suspected child abuse and neglect, complying with motor vehicle regulations, and using child restraint devices in vehicles. Subsection A 6 requires the center to disclose in writing certain information to the parents or guardians of the children enrolled in the center and to make the information available to the general public. In addition, subsection B requires the establishment and implementation of certain procedures. The procedures and disclosure requirements are detailed in Section II.

Section 63.2-1809 of the Code outlines requirements for religiously exempt centers regarding proof of a child's identity and age, and reports of possible missing children to law enforcement; and

Section 54.1-3408 of the Code outlines requirements for religiously exempt centers regarding the qualifications of a person administering prescription medication to a child.

The center must certify on an ANNUAL basis that it is in compliance with these sections of the Code. The model form, "Statement of Code Compliance," may be used for this purpose. Use of this form is not mandatory. A copy of the model form is included in Section IV, page 38 of this booklet and is also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers."

# REQUIRED DOCUMENTATION FOR RELIGIOUS EXEMPTION CHECKLIST

## DATE SUBMITTED:

- \_\_\_\_\_ 1. STATEMENT OF INTENT
- \_\_\_\_\_ 2. CERTIFICATION OF TAX EXEMPT STATUS\*
- \_\_\_\_\_ 3. LOCAL HEALTH REPORT OF SANITARY INSPECTIONS
- \_\_\_\_\_ 4. LOCAL HEALTH -FOOD ESTABLISHMENT INSPECTION REPORT\*\*
- \_\_\_\_\_ 5. LOCAL FIRE REPORT
- \_\_\_\_\_ 6. CERTIFICATE OF OCCUPANCY (OR BUILDING INSPECTOR'S REPORT) \*
- \_\_\_\_\_ 7. VERIFICATION OF REQUIRED STAFF/CHILD RATIOS
- \_\_\_\_\_ 8. STAFF HEALTH REPORTS
- \_\_\_\_\_ 9. STATEMENT OF CODE COMPLIANCE

\* Only required at the time of initial religious exemption unless changes occur which require modification.

\*\*As appropriate (see Local Health Report - Food Establishment Inspection Report for additional information.)

## **SECTION II**

### **CODE COMPLIANCE STATEMENTS**

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## **CODE COMPLIANCE STATEMENTS**

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### **WRITTEN DISCLOSURE TO PARENTS OR GUARDIANS THAT THE CENTER IS RELIGIOUSLY EXEMPT FROM LICENSURE**

The center must disclose, in writing, to the parents or guardians of the children enrolled in the center the fact that it is religiously exempt from licensure. A variety of methods may be used including, but not limited to, inclusion of this information in the center handbook, notification of parents by letter, or posting a statement in an area of the facility conspicuous to the public.

### **WRITTEN NOTICE TO PARENTS OR GUARDIANS OF STAFF QUALIFICATIONS**

Describe the job qualifications that all of your staff must have before they will be hired, such as certain academic training, work experience, or personal attributes. The qualifications are defined solely by the religious institution.

### **WRITTEN STATEMENT PROVIDED TO PARENTS OR GUARDIANS AND MADE AVAILABLE TO THE GENERAL PUBLIC REGARDING PHYSICAL FACILITIES**

Provide a brief written description of your center's physical facilities, noting such features as the size of the building used, the number of rooms used by the center, the center's location, the condition of the building used, kitchen availability, play equipment, or any other significant features of your facilities.

### **WRITTEN STATEMENT PROVIDED TO PARENTS OR GUARDIANS AND MADE AVAILABLE TO THE GENERAL PUBLIC REGARDING ENROLLMENT CAPACITY**

State the maximum number of children the center will enroll at any one time. Your local building official or other official may limit the number of enrolled children who may be in attendance at any one time.

### **WRITTEN STATEMENT PROVIDED TO PARENTS OR GUARDIANS AND MADE AVAILABLE TO THE GENERAL PUBLIC REGARDING FOOD SERVICE**

State whether or not you intend to offer food services and provide a brief description of the services offered (e.g., snacks, lunch, hot or cold foods).

### **WRITTEN STATEMENT PROVIDED TO PARENTS OR GUARDIANS AND MADE AVAILABLE TO THE GENERAL PUBLIC REGARDING HEALTH REQUIREMENTS FOR STAFF**

You may simply state the religious exemption law's requirement that your staff be certified annually by a practicing physician or nurse practitioner to be free from any disability which would prevent them from caring for children. You should also describe any other health requirements of your program for child care staff.

## **WRITTEN STATEMENT PROVIDED TO PARENTS OR GUARDIANS AND MADE AVAILABLE TO THE GENERAL PUBLIC REGARDING POSSESSION OF PUBLIC LIABILITY INSURANCE**

You must disclose to the parents or guardians of the children enrolled in the center and the general public whether or not your center is covered by public liability insurance which provides coverage in the event that someone brings suit against the religious institution for personal or bodily harm suffered during the operation of the center as a result of negligence. This type of insurance should not to be confused with accidental injury insurance which provides medical benefits to the injured regardless of whether a suit is filed or the injury was a result of the center's negligence. Most liability policies provide a minimum coverage of \$300,000.

A model "Public Disclosure Statement" is included in Section IV, page 43 of this booklet and is also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers."

## **ESTABLISHMENT AND IMPLEMENTATION OF HAND WASHING PROCEDURES**

The center must establish and implement procedures for hand washing by staff and children before eating and after toileting and diapering.

Hand washing is the most important means of interrupting the transmission of communicable diseases among staff and children. While the law requires hand washing before eating and after toileting and diapering, health professionals also recommend hand washing upon arrival at the center by staff and children, upon return from outdoor play and when the hands have been in contact with any body secretion (e.g., nasal, oral secretions). Hand washing should also occur before preparing and serving food and after handling unclean surfaces.

## **ESTABLISHMENT AND IMPLEMENTATION OF PROCEDURES FOR APPROPRIATE SUPERVISION OF CHILDREN**

The center must establish and implement procedures for appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure the safety of children.

"Appropriate supervision" means compliance with the staff/child ratios, staffing and supervision requirements outlined in the Code and development and implementation of procedures to ensure the safety of children. Supervision includes training and oversight of staff to ensure that children are protected and that the center's procedures for oversight and supervision are carried out.

## **ESTABLISHMENT AND IMPLEMENTATION OF PROCEDURES FOR A DAILY SIMPLE HEALTH SCREENING AND EXCLUSION OF SICK CHILDREN**

The center must establish and implement procedures for a daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

- A. "Daily health screening" is a health observation of children designed to alert staff to the signs and symptoms of an illness by promptly identifying changes in a child's pattern of behavior or physical appearance. Appropriate action may then be taken to protect the ill child from avoidable health risks and to prevent exposure of well children to an illness that might be contagious.

The daily health screening may be completed by one or all of the following methods: looking at and touching the child's hands, cheeks; running the fingers behind the ears and down the neck glands for any sign of fever or swelling; looking at the eyes; checking for signs of a runny nose or coughing; and by noting any unexplained bruises or skin rashes.

The screening is done by a staff member who has obtained instruction in performing the daily health screening of children from a health care professional.

Other benefits of the daily health screening include identification of other conditions, such as vision, hearing, speech/language, or dental problems that may indicate the need for parents to consult their family physician for possible treatment or referral to a specialist. In addition, problems that affect the emotional well-being of a child may also be detected by noting changes in behavior or appearance such as listlessness, lack of interest, temper tantrums or a lasting noticeable change in personality.

Information about training on daily health observation (DHO) is available on the Virginia Department of Social Services' website at:

[http://www.dss.virginia.gov/family/cc\\_providertrain/tips.cgi](http://www.dss.virginia.gov/family/cc_providertrain/tips.cgi).

- B. A religiously exempt child day center may not offer child care services to sick children. The Code of Virginia at § 63.2-1716 B 3 requires the religiously exempt child day center to establish policies and procedures for "[a] daily simple health screening and exclusion of sick children by a person trained to perform such screenings." Exclusion of a child means the child is not allowed to remain at the center.

Children with the following conditions must be excluded:

*Important! This information is not a substitute for the advice of a child's health care provider.*

- Both fever and behavior change (note that a child with a fever who is acting normally does not need to be excluded);
- Symptoms of severe illness such as lethargy (more than expected tiredness), uncontrolled coughing, inexplicable irritability or crying, difficulty breathing, wheezing, or other unusual signs (until medical evaluation determines the child can remain in care);
- Diarrhea, defined as more watery, less formed, more frequent stools not associated with a diet change or medication – a stool not contained by the child's ability to use the toilet. (Children in diapers who develop diarrhea must be excluded, and children



- who have learned to use the toilet, but cannot make it to the toilet in time, must also be excluded.);
- Blood in the stools not explained by diet change, medication or hard stools;
  - Vomiting two or more times in 24 hours;
  - Persistent abdominal pain (lasting more than 2 hours);
  - Mouth sores with drooling;
  - Rash with fever or behavior change;
  - Purulent conjunctivitis (pink or red eye lining or whites of the eyes with white or yellow pus coming from the eyes);
  - Lice (exclude at the end of the day);
  - Scabies;
  - Tuberculosis;
  - Impetigo;
  - Strep throat, or other streptococcal infection;
  - Chickenpox (varicella zoster) or shingles (herpes zoster);
  - Whooping cough (pertussis);
  - Mumps;
  - Hepatitis A;
  - Measles;
  - Rubella;
  - Unspecified respiratory tract illness; and
  - Herpes simplex.

(Source: Healthy Young Children: A Manual for Programs, 2002 Edition)

**CENTER SHALL ESTABLISH AND IMPLEMENT PROCEDURES ENSURING A PERSON TRAINED AND CERTIFIED IN FIRST AID IS PRESENT AT THE CENTER WHENEVER CHILDREN ARE PRESENT**

The center must establish and implement procedures to ensure that a person trained and currently certified in first aid is present at the center whenever children are present.

The American Red Cross, the National Safety Council, the American Heart Association, and the American Safety and Health Institute offer certification for persons who take and pass their first aid courses.

Information about first aid training is available on the Virginia Department of Social Services' website at: [http://www.dss.virginia.gov/family/cc\\_providertrain/tips.cgi](http://www.dss.virginia.gov/family/cc_providertrain/tips.cgi).

**CENTER IS IN COMPLIANCE WITH THE IMMUNIZATION PROVISIONS OF SECTION 32.1-46 OF THE CODE**

The center must establish and implement procedures to ensure that all children are in compliance with the provisions of Section 32.1-46 of the Code regarding immunization of children against diseases.

Before a child may attend the center, the provider must obtain documentation that the child has been adequately immunized according to the requirements of § 32.1-46 A of the Code of Virginia and applicable State Board of Health regulations.

While not required by law for centers operated under the auspices of religious institutions, the Virginia Department of Health recommends the use of the MCH-213G form (revised 10/10) for documenting immunizations received. The form is available at the following website: <http://www.vahealth.org/childadolescenthealth/schoolhealth/forms.htm>

The physician's (or physician's designee or health department official's) signature or stamp on the MCH 213G form or on a physician's record of immunization that contains a statement that the child is adequately immunized is required. It is not necessary for the center to review the immunization record to determine if the required immunizations have been obtained.

Pursuant to subsection C of § 32.1-271.2 of the Code of Virginia, documentation of immunizations is not required for any child whose:

1. Parent submits an affidavit to the center on the current form approved by the Virginia Department of Health stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices. The Religious Exemption form for immunizations can be found at:

[http://www.doe.virginia.gov/support/health\\_medical/certificate\\_religious\\_exemption.pdf](http://www.doe.virginia.gov/support/health_medical/certificate_religious_exemption.pdf)

or

2. Physician or a local health department states on a Department of Health-approved form that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization. The School Entrance Health Form contains a space for this statement. The form can be found at:

<http://www.vdh.virginia.gov/epidemiology/immunization/documents/SchoolForm.pdf>

The center must obtain documentation of dates additional immunizations for a child who is not exempt from the immunization requirements according to subsection B of this section:

1. Once every six months for children under the age of two years; and
2. Once between each child's fourth and sixth birthdays.

This documentation must be signed or stamped and provided on the Form MCH 213 G or on a physician's form for immunizations that contains a statement that the child is adequately immunized

## **ALL AREAS OF THE PREMISES ACCESSIBLE TO CHILDREN ARE FREE OF OBVIOUS INJURY HAZARDS**

The center must establish and implement procedures to ensure that all areas of the premises both inside and out that are accessible to children are free of obvious injury hazards, including providing and maintaining surfacing material under playground equipment.

Surfacing material is designed to help absorb the shock if a child falls off of equipment. There are several types of surfacing materials that would offer cushioning: loose surfacing materials like wood chips, double shredded bark mulch, pea gravel and sand. Some have more advantages than others, but all will need continual maintenance to ensure the optimum level of protection for the children.

Included in Section VI, page 68 is information on various types of surfacing materials, taken from the Handbook for Public Playground Safety prepared by the U.S. Consumer Product Safety Commission. The Handbook is available at the following website:  
<http://www.cpsc.gov>

## **ALL STAFF ABLE TO RECOGNIZE THE SIGNS OF CHILD ABUSE AND NEGLECT**

Section 63.2-100 of the Code defines an "abused or neglected child" as "any child less than eighteen years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates substantial risk of death, disfigurement, or impairment of bodily or mental functions;
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered an abused or neglected child;
3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law; or
5. Who is without parental care or guardianship caused by the unreasonable absence or mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing "in loco parentis."

The center shall establish and implement procedures to ensure that all staff members are able to recognize the signs of child abuse and neglect.

## **COMPLIANCE WITH SECTION 63.2-1509 RELATING TO REPORTING OF SUSPECTED CASES OF CHILD ABUSE AND NEGLECT**

Section 63.2-1509 of the Code states that "... any teacher or other person employed in a public or private school, kindergarten or nursery school, any person providing full or part-time child care for pay on a regularly planned basis, . . . any person associated with or employed by any private organization responsible for the care, custody or control of children" who has reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline. "Any person required to file a report . . . who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined . . ."

A booklet entitled "A Guide for Mandated Reporters on Recognizing and Reporting Child Abuse and Neglect" is available at the following website:

[http://www.dss.virginia.gov/files/division/dfs/cps/intro\\_page/mandated\\_reporters/resources\\_guidance/booklet.pdf](http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/mandated_reporters/resources_guidance/booklet.pdf)

Free on-line training on recognizing, reporting and responding to child abuse and neglect (Course # CWS5692) is available at:

[http://www.vcu.edu/vissta/non\\_vdss\\_employees/mandated\\_reporter\\_courses.htm](http://www.vcu.edu/vissta/non_vdss_employees/mandated_reporter_courses.htm)

## **COMPLIANCE WITH CHAPTER 3, SECTION 46.2-300 ET SEQ. OF TITLE 46.2 REGARDING A VALID VIRGINIA DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE**

Section 46.2-300 and the Code sections that follow it require a valid driver's license when operating any motor vehicle on any highway in the Commonwealth. A commercial driver's license is required to operate a vehicle that transports 16 or more persons.

## **COMPLIANCE WITH ARTICLE 21, SECTION 46.2-1157 ET SEQ. OF CHAPTER 10 OF TITLE 46.2 REGARDING VEHICLE INSPECTIONS**

Section 46.2-1157 and the Code sections that follow it require that all vehicles be inspected every 12 months and display a current inspection sticker.

## **COMPLIANCE WITH SECTION 46.2-705 REGARDING INSURANCE FOR VEHICLES USED TO TRANSPORT CHILDREN**

Section 46.2-705 of the Code states the following:

"Insured motor vehicle" means a motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, both in the amounts specified in Section 46.2-472, issued by an insurance carrier authorized to do business in the Commonwealth, or as to which a bond has been given or cash or securities delivered in lieu of the insurance; or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 46.2-368.

Section 46.2-472 reads as follows:

"Every motor vehicle owner's policy shall:

1. Designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted.
2. Insure as insured the person named and any other person using or responsible for the use of the motor vehicle or motor vehicles with the permission of the named insured.
3. Insure the insured or other person against loss from any liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property caused by accident and arising out of the ownership, use, or operation of such motor vehicle or motor vehicles within the Commonwealth, any other state in the United States, or Canada, subject to a limit exclusive of interest and costs, with respect to each motor vehicle, of \$25,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$50,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident.

#### **COMPLIANCE WITH ARTICLE 13 (SECTION 46.2-1095 ET SEQ.) OF CHAPTER 10 OF TITLE 46.2 REGARDING CHILD RESTRAINT DEVICES**

Section 46.2-1095 of the Code states any person who drives on the highways of Virginia any motor vehicle manufactured after January 1, 1968, shall ensure that any child up to age eight, whom he transports therein, is provided with and properly secured in a child restraint device of a type which meets standards adopted by the United States Department of Transportation.

Rear-facing child restraint devices shall be placed in the back seat of the vehicle. In the event the vehicle does not have a back seat, the child restraint device may be placed in the front passenger seat only if i) the vehicle is not equipped with a passenger side airbag, or ii) the passenger side airbag has been deactivated.

Section 46.2-1100 of the Code states if a physician licensed to practice medicine in Virginia or any other state determines that the use of a child restraint system by a child from the age of four (4) to eight (8) would be impractical because of the child's weight, physical fitness, or other medical reason, the child may be secured in a seat belt which is standard equipment in the vehicle. The person transporting this child must carry with him a signed written statement from the physician that contains the child's name and the reasons for the determination.

The Code also requires that any person transporting any child less than sixteen years old, except those required pursuant to subsection A to be secured in a child restraint device, shall ensure that such child is provided with and properly secured by an appropriate safety belt system when driving on the highways of Virginia in any motor vehicle manufactured after

January 1, 1968, equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

## **COMPLIANCE WITH SECTION 63.2-1724 RELATING TO BACKGROUND CHECKS**

Section 63.2-1724 of the Code requires sworn disclosure statements, criminal record checks, and child abuse and neglect central registry checks for prospective employees, volunteers who will be alone with any child in the performance of their duties (does not include parent – volunteers), and any other person who is expected to be alone with one or more children enrolled in the child day center. The checks and clearances must be obtained within thirty days of the individual's employment, the volunteer's commencement of service, or other person's being left alone with a child. See Section III of this booklet beginning on page 26 for detailed information.

## **COMPLIANCE WITH SECTION 63.2-1809 REGARDING PROOF OF A CHILD'S IDENTITY AND AGE; REPORTS TO LAW ENFORCEMENT**

Section 63.2-1809 mandates that a regulated child day program shall require proof of a child's identity and age as well as information from the person enrolling the child regarding previous child day care and schools attended by the child. If the parent, guardian, or other person enrolling a child in a regulated child day program for longer than two consecutive days or other pattern of regular attendance does not provide the information required within seven business days of initial attendance, the child day program shall immediately notify the local law-enforcement agency of such failure to provide the requested information.

A "regulated child day program" is one in which a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under age thirteen for less than a twenty-four hour period. Child day centers that are religiously exempt from licensure pursuant to §63.2-1716 of the Code are "regulated child day programs."

Persons enrolling a child in the center must provide information on all previous programs and schools the child has attended, including the names of the programs and schools and their location (city and state), in order to assure proper identification of the programs or schools.

Persons enrolling a child in the center must also provide proof of a child's identity and age. Proof of a child's identity and age may include a certified copy of the child's birth certificate, notification of birth (hospital, physician or midwife record), birth registration card, passport, copy of the placement agreement or other proof of the child's identity from a child placing agency (foster care and adoption agencies), copy of the entrustment agreement conferring temporary legal custody of a child to an independent foster parent, school record from a public school in Virginia, or certification by a principal or his designee of a public school in the U. S. that a certified copy of the child's birth record was previously presented.

Viewing the child's proof of identity and age is not necessary when the child attends a public school in Virginia and the center assumes responsibility for the child directly from the school (i.e., after school program) or the center transfers responsibility of the child directly to the school (i.e., before school program). While programs are not required to keep the proof of the child's identity, documentation of viewing this information must be maintained for each

child. Documentation should include the child's place of birth, birth date, birth certification number and date of certificate issuance, if available.

If the person enrolling the child in a regulated child day program for longer than two consecutive days or other pattern of regular attendance does not provide the abovementioned information within seven business days of initial attendance, the regulated program must immediately notify the local law enforcement agency in its jurisdiction. The law enforcement agency will, if available information warrants, submit an inquiry to the missing Children Information Clearinghouse and, with the assistance of the local department of social services, if available information warrants, conduct the appropriate investigation to determine whether the child is missing.

Inability to present the above information within the time frames outlined in the law does not prohibit enrollment or attendance of the child. The program must however, document that the local law enforcement agency was contacted.

The proof of identity, if reproduced or retained by the child day program or both, shall be destroyed upon the conclusion of the requisite period of retention. The procedures for the disposal, physical destruction or other disposition of the proof of identity containing social security numbers shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or indecipherable by any means.

#### **COMPLIANCE WITH SECTION 54.1-3408 REGARDING QUALIFICATIONS OF PERSON ADMINISTERING PRESCRIPTION MEDICATION TO A CHILD**

Section 54.1-3408 prohibits administering prescription medication to a child in a regulated child day program without the staff member who is administering the medication either being licensed by the Commonwealth of Virginia to administer medications or having successfully completed a training program approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist.

Religiously exempt child day center staff are not required to administer prescription medication to a child, but may administer prescription medication that would normally be administered by a parent or guardian to a child provided:

- The center has obtained the parent or guardian's written permission to administer the medication;
- The medication is administered by a staff member who either is licensed by the Commonwealth of Virginia to administer medications or has successfully completed the Medication Administration Training or the Pre-Medication Administration Training (for staff who do not ordinarily administer medications, but who supervise children who might need either an emergency injection of epinephrine using an auto-injector device (Epipen) or prescription topical ointment or cream);
- The staff member administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container; and

- The staff member administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration.

Model forms “Religiously Exempt Child Day Center Program Decision to Not Administer Prescription Medications” and “Religiously Exempt Child Day Center Program Decision to Administer Medications” are included in Section IV, pages 51 and 52 of this booklet and are also available at the following website:

[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on “Current RECDC Providers.”



## **SECTION III**

### **BACKGROUND CHECKS**

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## Background Checks

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### **Who must have background checks:**

Section 63.2-1716 of the Code provides that, prior to beginning operation of a religiously exempt child day center, the religious institution must file with the Commissioner documentary evidence of compliance with background checks requirements, as found in Section 63.2-1724 of the Code, for:

- a prospective employee;
- a volunteer\* who will be alone with any child in the performance of his/her duties (except a parent-volunteer as defined below);
- any person who will be expected to be alone with one or more children enrolled in the child day center.

\*Provisions referring to volunteers apply only to volunteers who will be alone with any child in the performance of their duties and do not apply to a parent-volunteer of a child attending the religiously exempt center whether or not the parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children which includes the parent volunteer's own child, in a program which operates no more than four hours per day, where the parent-volunteer works under the direct supervision of a person who has received the background checks specified in Section 63.2-1724. Parents in programs operating more than four hours a day are considered "volunteers" and must meet the requirements for a "volunteer."

### **Background check requirements include:**

1. Providing before working, volunteering, or being alone with one or more children, a sworn statement or affirmation disclosing whether or not the person has ever been:
  - a. the subject of a founded complaint of child abuse or neglect anywhere, or
  - b. convicted of a crime or is the subject of pending criminal charges for any offense within Virginia or any equivalent offense outside Virginia;
2. Providing before the end of thirty days after beginning employment, volunteering, or being expected to be alone with one or more children a search of the central registry maintained pursuant to Section 63.2-1515 of the Code on any founded complaint of child abuse or neglect; and
3. Providing before the end of thirty days after beginning employment, volunteering, or being expected to be alone with one or more children a criminal history record check as provided in subdivision A 11 of Section 19.2-389 of the Code.

(The above provisions do not apply to a parent or guardian who may be left alone with his or her own child.)

Convictions include prior adult conviction and juvenile convictions or adjudications of delinquency based on a crime that would have been a felony if committed by an adult within or outside the Commonwealth. Anyone making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. Convictions that prevent a person from being employed, volunteering, or being alone with one or more children include:

- 1) crimes identified as barrier crimes, and
- 2) any other felony conviction in the last five years. The list of barrier crimes is attached.

### **PROCEDURES FOR SWORN STATEMENT OR AFFIRMATION**

A model "Sworn Statement or Affirmation for Child Day Programs" (032-05-0160-05-eng) is included in Section IV, page 54 of this booklet and also available from the Department of Social Services website at: [http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers." Since the form is a model form, the Department of Social Services will accept different forms that contain the same information as the model form.

**A satisfactory sworn statement or affirmation is a fully completed original that states that the person:**

- 1) does not have an offense as defined in §63.2-1719 of the Code of Virginia that includes the list of barrier crimes, or a felony conviction within the last five years; and
- 2) is not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth.

### **PROCEDURES FOR CENTRAL REGISTRY SEARCHES**

#### **1. Requesting a Search:**

A Child Protective Services Request for Search of the Central Registry and Release of Information form must be submitted to the Office of Background Investigations (OBI) of the Virginia Department of Social Services for each individual for whom a search is requested.

A copy of "Virginia Department of Social Services/Child Protective Services Request for Search of the Central Registry and Release of Information Form" may be downloaded from the Department of Social Services website at [www.dss.state.va.us/family/cps/forms.cgi](http://www.dss.state.va.us/family/cps/forms.cgi) If downloading or copying this form, you

must make the form into a one page, two-sided form or it may be returned by the OBI.

A separate form must be completed for each individual whose name is to be searched. This form must be notarized. Incomplete forms will be returned.

Requests must be accompanied by a \$7.00 money order, company check/business check or cashier's check payable to the Virginia Department of Social Services. Cash must not be sent. Incomplete forms, requests not accompanied by a proper check or money order, or forms on which the signature has not been properly notarized will be returned unprocessed.

## 2. Completion of the Search:

A search of the Central Registry of Founded Investigations for purposes other than a child protective services investigation will only be completed:

- Upon receipt of a notarized signature of the individual whose name is being searched authorizing release of such information; or
- Due to a court order specifying a search of the Central Registry.

Information will be released ONLY on individuals who have a founded abuse/neglect complaint. Information will not be released on any active child abuse/neglect investigation that has a disposition of pending. In addition, if the individual has filed a valid appeal, the results of the search cannot be revealed until all administrative appeal rights have been exhausted and the founded disposition has been upheld. If a child protective services investigation is pending or in appeal status, the OBI staff will return the Child Protective Services Request for Search of the Central Registry and Release of Information Form with the following notation on the back: "Unable to complete report at this time."

## 3. Results of the Search:

A. If the name being searched is not located in the central Registry, notice of such will be transmitted to the requesting party.

B. On occasion, additional information may be needed to determine if the name has been located in the Central Registry. Name changes, differences in spelling of names, address changes, incomplete or inaccurate recording of birth dates all contribute to the difficulties encountered in completing searches of the many names contained in the Central Registry. If supplemental information is needed, a request for such information will be made, and following receipt of the additional information, the search will be completed.

C. If the name being searched is located in the Central Registry, the OBI staff will contact the local department of social services that was responsible for the investigation which resulted in the name being entered in the Central Registry and:

- 1) The local department will verify that the information is correct.
- 2) The local department will send verification that the client was notified of his/her right to appeal, and:
  - a. The OBI staff will notify the authorized agent that the name of the individual being searched has been located in the Central Registry. The local department of social services and the individual being searched will receive a copy of the notification.
  - b. The local department of social services will release appropriate information to the authorized agent upon receipt of their request.
- 3) If the local department of social services cannot produce documentation that the client was notified of his/her appeal rights, the OBI staff will contact the local department to review the case.
  - a. If the individual's name remains in the Central Registry, the OBI staff will return the form to the authorized agent indicating that the name is listed in the Central Registry. A copy of this form will be sent to the individual whose name was searched and to the local department responsible for the name being entered into the Central Registry.
  - b. If the individual contacts the local department of social services regarding his/her name entry into the Central Registry, the local department of social services shall provide the individual with the requested information that is available to them under the Privacy Protection Act of 1976, and provide a copy of the appeal procedures to the individual.

**A satisfactory central registry finding is one in which:**

- 1) a copy of the Virginia Department of Social Services' child protective services check form is returned with an indication that, as of the date on the reply, the individual whose name was searched is not identified in the Central Registry of Founded Child Abuse/Neglect Investigations as an involved caregiver with a founded disposition of child abuse/neglect; and
- 2) there is no other knowledge that the individual has a founded disposition in Virginia or elsewhere.

**PROCEDURES FOR CRIMINAL HISTORY RECORD CHECKS**

The "Name Search Request Form for Criminal History Record and/or Sex Offender and Crimes Against Minors Registry Search" form (SP-230) may be completed online or downloaded from the Virginia State Police website at [www.vsp.state.va.us](http://www.vsp.state.va.us). Follow the links for criminal history/background checks. Two copies of the downloaded form must be sent to the Virginia State Police. If the form is completed online, one copy of the downloaded form must be sent to the Virginia State Police. Please note that only Criminal History Records Checks are required for religiously exempt centers. Sex

Offender Registry checks are not required and the crimes in that Registry are included in the Criminal History Records Checks. Incomplete or inaccurate forms will be returned.

**A satisfactory criminal history record check report is one in which:**

1) an original hard copy or internet inquiry reply from the Virginia State Police is returned to the agency, individual or authorized agent making the request with either no convictions indicated, or if convictions are indicated, no barrier crimes or other felony convictions in the last five years, and

2) there is no other knowledge that the individual has a barrier crime, or other felony conviction in the past five years, in Virginia or elsewhere.

**CONSEQUENCES OF UNSATISFACTORY BACKGROUND CHECK FINDINGS**

Potential employees, volunteers, or persons expected to be alone with one or more children are denied employment or volunteer or other service status if there are unsatisfactory background check findings. The Department of Social Services may revoke the religious exempt status of a center if a religiously exempt center does not comply with these requirements.

The religiously exempt center must provide a copy of the information obtained from the central registry or Central Criminal Records Exchange or both to anyone denied employment or service because of information from the central registry or convictions appearing on his criminal history record. Further dissemination of the information provided to the facility is prohibited.

**BARRIER CRIMES**

for

- Licensed child day centers
- Religiously exempt child day centers
- Certified pre-schools
- Licensed family day homes
- Voluntarily registered family day homes
- Licensed family day systems
- Licensed system-approved family day homes
- The following if receiving federal, state, or local child care funds:
  - Local agency-approved family day homes
  - Local ordinance-approved family day homes
  - Programs of recreational activities offered by local governments
  - Unregulated family day homes (including in-home care)

*(§§ 63.2-1717 D. 7., 63.2-1719, 63.2-1720, 63.2-1721, 63.2-1724, 63.2-1725 of the Code of Virginia)*

<p>Also included as barrier crimes (in addition to the offenses listed below) are the conviction of any other felony unless 5 years have elapsed since the conviction and a founded complaint of child abuse or neglect within or outside the Commonwealth.</p> <p>Convictions include prior adult convictions, juvenile convictions and adjudications of juvenile delinquency if offenses involved would be a felony if committed by an adult within or outside the Commonwealth.</p>	<p align="center">63.2-1719</p>
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<p align="center"><b>OFFENSE</b></p> <p align="center">* Or Equivalent Offense in Another State</p>	<p align="center"><b>CODE SECTION</b></p>
<p>Abduction (Kidnapping)</p>	<p align="center">18.2-47 A</p>
<p>Abduction with Intent to Extort Money or for Immoral Purpose</p>	<p align="center">18.2-48</p>
<p>Abuse and Neglect of Children</p>	<p align="center">18.2-371.1</p>
<p>Abuse and Neglect of Incapacitated Adults</p>	<p align="center">18.2-369</p>
<p>Adulteration of Food, Drink, Drugs, Cosmetics, etc.</p>	<p align="center">18.2-54.2</p>
<p>Aggravated Malicious Wounding</p>	<p align="center">18.2-51.2</p>
<p>Allowing a child to be present during manufacture or attempted manufacture of methamphetamine</p>	<p align="center">18.2-248.02</p>
<p>Assault or Assault and Battery (Exception: Child day center may hire individual convicted of not more than one misdemeanor offense if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor. § 63.2-1720 C)</p>	<p align="center">18.2-57</p>

<b>Assault and Battery Against a Family or Household Member</b>	<b>18.2-57.2</b>
<b>Assisting individuals in unlawfully procuring prescription drugs (Felony Convictions)</b>	<b>18.2-258.2</b>
<b>Attempted Aggravated Sexual Battery</b>	<b>18.2-67.5</b>
<b>Attempted Forcible Sodomy</b>	<b>18.2-67.5</b>
<b>Attempted Object Sexual Penetration</b>	<b>18.2-67.5</b>
<b>Attempted Rape</b>	<b>18.2-67.5</b>
<b>Attempted Sexual Battery</b>	<b>18.2-67.5</b>
<b>Attempts to Poison</b>	<b>18.2-54.1</b>
<b>Bodily Injuries Caused by Prisoners, Probationers or Parolees</b>	<b>18.2-55</b>
<b>Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor</b>	<b>18.2-92</b>
<b>Burglary</b>	<b>18.2-89</b>
<b>Burning Building or Structure While in such Building or Structure with Intent to Commit Felony</b>	<b>18.2-82</b>
<b>Burning or Destroying any Other Building or Structure</b>	<b>18.2-80</b>
<b>Burning or Destroying Dwelling House, etc.</b>	<b>18.2-77</b>
<b>Burning or Destroying Meeting House, etc.</b>	<b>18.2-79</b>
<b>Burning or Destroying Personal Property, Standing Grain, etc.</b>	<b>18.2-81</b>
<b>Carelessly Damaging Property by Fire</b>	<b>18.2-88</b>
<b>Carjacking</b>	<b>18.2-58.1</b>
<b>Carnal Knowledge of Certain Minors</b>	<b>18.2-64.1</b>
<b>Carnal Knowledge of Child Between 13 and 15</b>	<b>18.2-63</b>
<b>Carnal Knowledge of an Inmate, Parolee, Probationer or Pretrial or Posttrial Offender</b>	<b>18.2-64.2</b>
<b>Causing, Inciting, etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to such Buildings, etc.</b>	<b>18.2-84</b>
<b>Certain Premises Deemed Common Nuisance (Felony Convictions)</b>	<b>18.2-258</b>
<b>Crimes Against Nature Involving Children</b>	<b>18.2-361</b>
<b>Delivery of Drugs, Firearms, Explosives, etc. to Prisoners</b>	<b>18.2-474.1</b>
<b>Disarming a Law Enforcement or Correctional Officer</b>	<b>18.2-57.02</b>
<b>Distribution of Certain Drugs to Persons Under Eighteen (Felony Convictions)</b>	<b>18.2-255</b>



<b>Drive-By Shooting</b>	<b>18.2-286.1</b>
<b>Drug Attempts (Felony Convictions)</b>	<b>18.2-257</b>
<b>Drug Conspiracy (Felony Convictions)</b>	<b>18.2-256</b>
<b>Electronic Facilitation of Pornography</b>	<b>18.2-374.3</b>
<b>Employing or Permitting Minor to Assist in Obscenity and Related Offenses</b>	<b>18.2-379</b>
<b>Entering Bank, Armed, with Intent to Commit Larceny</b>	<b>18.2-93</b>
<b>Entering Dwelling House, etc. with Intent to Commit Larceny, Assault and Battery or Other Felony</b>	<b>18.2-91</b>
<b>Entering Dwelling House, etc. with Intent to Commit Murder, Rape, Robbery or Arson</b>	<b>18.2-90</b>
<b>Escape from Jail</b>	<b>18.2-477</b>
<b>Failing to Secure Medical Attention for Injured Child</b>	<b>18.2-314</b>
<b>Felonies by Prisoners</b>	<b>53.1-203</b>
<b>Firearms – Allowing Access by Children</b>	<b>18.2-56.2</b>
<b>Hazing of Student at School, College, or University</b>	<b>18.2-56</b>
<b>Hazing of Youth Gang Members</b>	<b>18.2-55.1</b>
<b>Homicide</b>	<b>18.2-33</b>
<b>Illegal Stimulants and Steroids</b>	<b>18.2-248.5</b>
<b>Incest</b>	<b>18.2-366 B</b>
<b>Involuntary Manslaughter</b>	<b>18.2-36.1</b>
<b>Killing a Fetus</b>	<b>18.2-32.2</b>
<b>Maiming, etc. of Another Resulting from Driving While Intoxicated</b>	<b>18.2-51.4</b>
<b>Maiming, etc. of Another Resulting from Operating a Watercraft While Intoxicated</b>	<b>18.2-51.5</b>
<b>Maintaining a Fortified Drug House (Felony Convictions)</b>	<b>18.2-258.02</b>
<b>Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire</b>	<b>18.2-52</b>
<b>Malicious Bodily Injury to Law Enforcement Officers</b>	<b>18.2-51.1</b>
<b>Malicious Wounding by Mob</b>	<b>18.2-41</b>
<b>Manufacture, Possession, Use, etc. of Fire Bombs or Explosive Materials or Devices</b>	<b>18.2-85</b>
<b>Manufacturing, Selling, Giving, or Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine (Felony Convictions)</b>	<b>18.2-248.03</b>
<b>Manufacturing, Selling, Giving, or Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)</b>	<b>18.2-248.5</b>

<b>Murder, Capital</b>	<b>18.2-31</b>
<b>Murder, First and Second Degree</b>	<b>18.2-32</b>
<b>Murder of a Pregnant Woman</b>	<b>18.2-32.1</b>
<b>Obscenity Offenses</b>	<b>18.2-374.1</b>
<b>Obtaining Drugs, Procuring Administration of Controlled Substances, etc. by Fraud, Deceit or Forgery (Felony Convictions)</b>	<b>18.2-258.1</b>
<b>Pandering</b>	<b>18.2-355</b>
<b>Pointing Laser at Law Enforcement</b>	<b>18.2-57.01</b>
<b>Possession and Distribution of Flunitrazepam (Felony Convictions)</b>	<b>18.2-251.2</b>
<b>Possession and Distribution of Gamma-Butyrolactone or 1, 4 – Butanediol</b>	<b>18.2-251.3</b>
<b>Possession of Burglarious Tools, etc.</b>	<b>18.2-94</b>
<b>Possession of Child Pornography</b>	<b>18.2-374.1:1</b>
<b>Possession of Drugs (Felony Convictions)</b>	<b>18.2-250</b>
<b>Possession of Infectious Biological Substances</b>	<b>18.2-52.1</b>
<b>Possession or Use of a Sawed-Off Shotgun or Rifle in a Crime of Violence</b>	<b>18.2-300 A</b>
<b>Production, Publication, Sale, Possession with Intent to Distribute, Financing etc. of Sexually Explicit Items Involving Children</b>	<b>18.2-374.1</b>
<b>Rape</b>	<b>18.2-61</b>
<b>Reckless Endangerment</b>	<b>18.2-51.3</b>
<b>Reckless Handling of Firearms; Reckless Handling While Hunting</b>	<b>18.2-56.1</b>
<b>Robbery</b>	<b>18.2-58</b>
<b>Sale of Drugs on or near Certain Properties (Felony Convictions)</b>	<b>18.2-255.2</b>
<b>Setting Fire to Woods, Fences, Grass, etc.</b>	<b>18.2-86</b>
<b>Setting off Chemical Bombs Capable of Producing Smoke</b>	<b>18.2-87.1</b>
<b>Setting Woods, etc. on Fire Intentionally Whereby Another is Damaged or Jeopardized</b>	<b>18.2-87</b>
<b>Sexual Battery</b>	<b>18.2-67.4</b>
<b>Sexual Battery - Aggravated</b>	<b>18.2-67.3</b>
<b>Sexual Battery - Infected</b>	<b>18.2-67.4:1</b>
<b>Sexual Penetration - Object</b>	<b>18.2-67.2</b>
<b>Shooting, etc. in Committing or Attempting a Felony</b>	<b>18.2-53</b>
<b>Shooting, Stabbing, etc. with Intent to Maim, Kill, etc.</b>	<b>18.2-51</b>

<b>Sodomy - Forcible</b>	<b>18.2-67.1</b>
<b>Stalking (Felony Convictions)</b>	<b>18.2-60.3</b>
<b>Taking, Detaining, etc. Person for Prostitution etc. or Consenting Thereto</b>	<b>18.2-355</b>
<b>Taking Indecent Liberties with Child by Person in Custodial or Supervisory Relationship</b>	<b>18.2-370.1</b>
<b>Taking Indecent Liberties with Children</b>	<b>18.2-370</b>
<b>Threats of Death or Bodily Injury</b>	<b>18.2-60</b>
<b>Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc.</b>	<b>18.2-83</b>
<b>Transporting Controlled Substances into the Commonwealth (Felony Convictions)</b>	<b>18.2-248.01</b>
<b>Use of a Machine Gun in a Crime of Violence</b>	<b>18.2-289</b>
<b>Use of a Machine Gun for Aggressive Purpose</b>	<b>18.2-290</b>
<b>Use or Display of Firearm in Committing Felony</b>	<b>18.2-53.1</b>
<b>Voluntary Manslaughter</b>	<b>18.2-35</b>

## **SECTION IV**

### **FORMS**

## STATEMENT OF INTENT

**INSTRUCTIONS:** The information must be submitted on an ANNUAL basis. **This form MUST be signed by an administrator of the religious institution such as a pastor, priest, rabbi, or an officer of the board of directors of the religious institution.**

\_\_\_\_\_ intends to operate the  
(Name of Religious Institution)

\_\_\_\_\_ during 20\_\_\_\_/20\_\_\_\_  
(Name of Center)

for \_\_\_\_\_ children in the age range of \_\_\_\_\_ through \_\_\_\_\_.  
(Capacity)\*

I certify that:

- The child day center named above is operated under the auspices of the religious institution named above. "Under the auspices" means that the religious institution is offering the child day center protection, support, patronage, guidance, or aid.
- I am in receipt of, have read, and intend to comply with the requirements of Section 63.2-1716 of the Code of Virginia.

\_\_\_\_\_  
(Signature of Administrator of Religious Institution) (Title) (Date)

\_\_\_\_\_  
Address of Religious Institution

Religious Institution Tax ID Number: \_\_\_\_\_

Telephone Number of Administrator of Religious Institution: \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell)

\_\_\_\_\_  
Physical Address of Child Day Center (If different from Address of Religious Institution)

\_\_\_\_\_  
Mailing Address of Child Day Center (If different from Physical Address)

Center Email Address: \_\_\_\_\_

Center Telephone Number: \_\_\_\_\_

Center Contact Person: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

\*NOTE: "Capacity" means the maximum number of children receiving care at any one time. The number listed may not exceed the maximum capacity listed on your Certificate of Occupancy. If your capacity or age range changes in a manner that requires a revised public notice, you must update the information and submit a revised form.

RELIGIOUSLY EXEMPT CHILD DAY CENTERS  
Model Form

**STATEMENT OF CODE COMPLIANCE**

\_\_\_\_\_ operated by \_\_\_\_\_  
(Name of Center) (Name of Religious Institution)

located at \_\_\_\_\_  
(Address of Center)

has disclosed in writing to the parents or guardians of children enrolled that the center is religiously exempt from licensure and the qualifications of personnel employed.

The center's physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance have been described in writing to the parents or guardians of the children in the center. The above information has also been made available to the general public.

The Center has established and implemented procedures for:

- Hand washing by staff and children before eating and after toileting and diapering;
- Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children;
- A daily simple health screening and exclusion of sick children by a person trained to perform such screenings;
- Ensuring that a person trained and certified in first aid is present at the center whenever children are present;
- Ensuring that all children in the center are in compliance with the provisions of Section 32.1-46 of the Code regarding the immunization of children against certain diseases;
- Ensuring that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment;
- Ensuring that all staffs are able to recognize the signs of child abuse and neglect.

The Center is in compliance with the requirements of:

- Section 63.2-1724 of the Code relating to background checks
- Section 63.2-1509 of the Code relating to the reporting of suspected cases of child abuse and neglect
- Chapter 3 (Section 46.2-300 et seq.) of Title 46.2 of the Code regarding a valid Virginia driver's license or commercial driver's license; of Article 21 (Section 46.2-1157 et seq.) of Chapter 10 of Title 46.2 of the Code regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in Section 46.2-705; and Article 13 (Section 46.2-1095 et seq.) of Chapter 10 of Title 46.2 of the Code regarding child restraint devices
- Section 63.2-1809 of the Code regarding proof of a child's identity and age, and reports of possible missing children to law enforcement.
- Section 54.1-3408 of the Code regarding the qualifications of a person administering prescription medication to a child.

I certify that the statements herein given are true, full, and correct to the best of my knowledge and belief.

\_\_\_\_\_  
\*Signature Title Date

\*NOTE: This form MUST be signed by an administrator of the religious institution such as a pastor, priest, rabbi or an officer of the board of directors of the religious institution. *All of the requirements must be met prior to signing and submitting this form.*

**REPORT OF ENVIRONMENTAL HEALTH INSPECTION**  
**Requested by VIRGINIA DEPARTMENT OF SOCIAL SERVICES**  
**As authorized by Title 63.2, Code of Virginia**

NAME OF FACILITY \_\_\_\_\_

NAME OF OPERATOR \_\_\_\_\_ CAPACITY \_\_\_\_\_

LOCATION \_\_\_\_\_

**TYPE OF FACILITY**

- |  |  |
|--|--|
| <input type="checkbox"/> Assisted Living Facility  | <input type="checkbox"/> Child Care Institution                            |
| <input type="checkbox"/> Adult Day Care Center     | <input type="checkbox"/> Family Day Home (Complete Section A only)         |
| <input type="checkbox"/> Child Day Center          | <input type="checkbox"/> Independent Foster Home (Complete Section A only) |
| <input type="checkbox"/> Religiously Exempt Center | <input type="checkbox"/> Certified Preschool or Nursery School Program     |

**SECTION A: WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS**

1. Water Supply: Owned by \_\_\_\_\_  Public  Non-Public  
 If public, operated by one or more municipalities  Yes  No  
 Approved by Health Department:  Yes  No  
 Date of most recent Non-Public Water Sample \_\_\_\_\_

2. Sewage Disposal System: Owned by \_\_\_\_\_  Public  Non-Public  
 If public, operated by one or more municipalities  Yes  No  
 Approved by Health Department:  Yes  No

COMMENTS \_\_\_\_\_

**SECTION B: FOOD SERVICE** (Attach copy of Health Department Inspection Form)

1. Food Service Facilities are in compliance with rules and regulations of Virginia Department of Health which govern restaurants:  Yes  No  N/A

COMMENTS \_\_\_\_\_

**SECTION C: SWIMMING POOLS** (Attach copy of Health Department Inspection Form)

1. Pool meets Health Department guidelines:  Yes  No  N/A

COMMENTS \_\_\_\_\_

**RECOMMENDATIONS:**

1. Does this facility meet mandatory requirements of state or local health department?  Yes  No
2. If violations of mandatory requirements were noted, how long does operator have to comply with Health Department regulations? \_\_\_\_\_
3. Do you recommend issuance of license/certification  Yes  No  N/A

COMMENTS \_\_\_\_\_

\_\_\_\_\_  
 (County/City)

\_\_\_\_\_  
 (Signature of Health Director or Designee)

( ) \_\_\_\_\_  
 (Telephone Number)

\_\_\_\_\_  
 (Date of Inspection)

## FIRE INSPECTION REPORT

TYPE OF FACILITY: (check one)

\_\_\_\_ LICENSED CHILD DAY CENTER

\_\_\_\_ CHILD CARING INSTITUTION

\_\_\_\_ RELIGIOUSLY EXEMPT CHILD DAY CENTER

\_\_\_\_ CERTIFIED PRESCHOOL/NURSERY  
SCHOOL PROGRAM

Owner/Occupant \_\_\_\_\_ Date \_\_\_\_\_

Name of Facility \_\_\_\_\_ File Number \_\_\_\_\_

Address \_\_\_\_\_ Occ/Use Group \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_ Capacity \_\_\_\_\_

Inspection \_\_\_\_\_ Re-inspection \_\_\_\_\_

The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned Property. You are responsible for correcting these violations(s) within the specified time limit.

Code Section	Violation(s)	Time Limit for Correction

Failure to correct violations within the time specified in this notice may result in appropriate legal proceedings. An owner or occupant may appeal a decision of the fire official to the local Board of Appeals within seven (7) working days from receipt of this notice.

This notice issued to \_\_\_\_\_ Date \_\_\_\_\_

Inspected by: \_\_\_\_\_ Title \_\_\_\_\_

Inspecting agency: \_\_\_\_\_



## BUILDING INSPECTION REQUEST

SECTION I (To be completed by applicant in three (3) copies)

APPLICANT \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

I hereby request inspection of the building(s) located at \_\_\_\_\_

\_\_\_\_\_  
(Complete Address)

for compliance with the Uniform Statewide Building Code. Building(s) are to be utilized for the operation of:

Assisted Living Facility       Adult Day Care Center  
 Child Care Center\*       Child Caring Institution\*  
 Family Day Home\*       Other: \_\_\_\_\_ (Specify)

\*Serves children ages \_\_\_\_ to \_\_\_\_

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

SECTION II (To be completed by the building official)

	Bldg. #1	Bldg. #2	Bldg. #3
1. The Uniform Statewide Building Code Use Group Classification required for the use indicated Above			
2. Does the building meet the requirements of the Uniform Statewide Building Code for that Use Group Classification?			
3. a. If the certificate of occupancy has been issued, show classification used			
b. Date of Issuance			
4. Maximum Occupancy Load			
5. Restrictions or Limitations:			
Bldg. #1:			
Bldg. #2:			
Bldg. #3:			

Date \_\_\_\_\_ Signature of Building Official \_\_\_\_\_

### SECTION III DISPOSITION

Original copy to building official, yellow copy to applicant, pink copy and a copy of the Certificate of Occupancy to the Regional Office of the Virginia Department of Social Services

Regional Office \_\_\_\_\_

Address \_\_\_\_\_

Attn: \_\_\_\_\_ (Administrative Technician)

## STAFF HEALTH REPORT

### Physician's Statement

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INSTRUCTIONS: Please provide a copy of this form to each employee to be given to his/her examining physician. The top portion of the form should be completed by the employee; the bottom portion must be completed and signed by the physician, physician's assistant, or licensed nurse practitioner. The signature of an R.N. or L.P.N. is NOT acceptable. Staff must have this form completed and submit it on an ANNUAL basis.

---

Name of Religious Institution

---

Name of Staff Member

---

This statement is signed in compliance with the Code of Virginia, Section 63.2-1716.

I certify that \_\_\_\_\_ is free from any disability  
(Patient)  
which would prevent him/her from caring for children.

Date \_\_\_\_\_  
(Month/Day/Year)

PHYSICIAN/NURSE PRACTITIONER'S SIGNATURE:

---

Physician/Nurse Practitioner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_

## PUBLIC DISCLOSURE STATEMENT

The Code of Virginia, Section 63.2-1716, allows child day centers operated by religious institutions the opportunity to file for an exemption from licensure by meeting documentation and other requirements specified within the religious exemption law. The statements below have been prepared and distributed to meet the requirements of the religious exemption law.

### RELIGIOUS EXEMPTION

In compliance with the Code of Virginia, Section 63.2-1716, this Center is religiously exempt from licensure and is classified as a “religiously exempt child day center.”

### QUALIFICATIONS OF PERSONNEL (Check appropriate response)

\_\_\_\_\_ Attached are position descriptions of staff presently employed with the Center.

\_\_\_\_\_ Staff position descriptions are posted for your review.

### DESCRIPTION OF FACILITIES

The Center is located at \_\_\_\_\_.

The size of the building is \_\_\_\_\_.

The number of rooms used for the Center is \_\_\_\_\_.

The kitchen facilities are/are not available for use by the Center.

Play equipment consist(s) of \_\_\_\_\_

\_\_\_\_\_

### OTHER SIGNIFICANT FEATURES OF THE FACILITIES (IF ANY) INCLUDE:

\_\_\_\_\_

### ENROLLMENT/CAPACITY

The maximum number of children that the Center will enroll is \_\_\_\_\_. The maximum number of children to be in care at any one time (as dictated by the local building inspector) is \_\_\_\_\_.

**FOOD SERVICE** (Check appropriate response)

The Center intends/does not intend to provide food service. The description of the service consist(s) of the following:

- \_\_\_\_\_ hot breakfast
- \_\_\_\_\_ cold breakfast
- \_\_\_\_\_ combination (hot/cold) breakfast
- \_\_\_\_\_ mid-morning snack
- \_\_\_\_\_ hot lunch
- \_\_\_\_\_ cold lunch
- \_\_\_\_\_ afternoon snack

**HEALTH REQUIREMENTS FOR STAFF**

Staff employed at the Center **MUST** be certified by a practicing physician to be free from any disability which would prevent them from caring for children. Documentation is on file at the Center.

**PUBLIC LIABILITY INSURANCE**

The Center is/is not covered by public liability insurance which provides coverage in the event that someone brings suit for personal or bodily harm suffered during the operation of the Center as a result of negligence.

**Religiously Exempt Child Day Centers  
Model Form**

**STAFF-CHILD RATIO INFORMATION SHEET**

Center Name \_\_\_\_\_ Operated by: \_\_\_\_\_  
(Religious Institution)

**INSTRUCTIONS:** List the number of children enrolled in your center in the middle column, noting in the left-hand column when major changes in enrollment occur during your hours of operation. Please do not overlap the time periods. List the staff assigned to supervise children in the right-hand column, placing the names near the age group supervised. Place an asterisk (\*) beside the names of staff persons under the age of 18 years. Use additional sheets as necessary.

**NOTE:** Staff are counted in the staff-to children ratio only when directly supervising children  
 At least one adult must be regularly present in each grouping of children  
 Staff members and volunteers counted in ratios must be at least 16 years of age  
 Staff members under age 18 must be under the supervision of an adult staff member  
 Adult staff members may supervise no more than 2 staff members under 18 years of age at any one time

**REQUIRED STAFF-CHILD RATIOS:** Birth – 24 mos. = 1 staff for every 4 children  
 2 yrs - 6yrs = 1 staff for every 10 children  
 6 yrs and over = 1 staff for every 25 children

DAY	NUMBER OF CHILDREN ENROLLED BY AGE GROUP		NAMES OF STAFF ASSIGNED EACH PERIOD
	Age Group	Total Number	
<b>MONDAY</b>  Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____

Center Name \_\_\_\_\_

Operated by: \_\_\_\_\_

(Religious Institution)

DAY	NUMBER OF CHILDREN ENROLLED BY AGE GROUP		NAMES OF STAFF ASSIGNED EACH PERIOD
	Age Group	Total Number	
<b>TUESDAY</b>  Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____

Center Name \_\_\_\_\_

Operated by: \_\_\_\_\_

(Religious Institution)

DAY	NUMBER OF CHILDREN ENROLLED BY AGE GROUP		NAMES OF STAFF ASSIGNED EACH PERIOD
	Age Group	Total Number	
<b>WEDNESDAY</b>  Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____

Center Name \_\_\_\_\_

Operated by: \_\_\_\_\_

(Religious Institution)

DAY	NUMBER OF CHILDREN ENROLLED BY AGE GROUP		NAMES OF STAFF ASSIGNED EACH PERIOD
	Age Group	Total Number	
<b>THURSDAY</b>  Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____



Center Name \_\_\_\_\_

Operated by: \_\_\_\_\_

(Religious Institution)

DAY	NUMBER OF CHILDREN ENROLLED BY AGE GROUP		NAMES OF STAFF ASSIGNED EACH PERIOD
	Age Group	Total Number	
<b>FRIDAY</b>  Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____
Period: From _____ Time  To _____ Time	0-24 mos.	_____	_____
	2-6 yrs.	_____	_____
	6yrs.+	_____	_____

**Religiously Exempt Child Day Centers  
Model Form**

**STAFF-CHILD RATIO INFORMATION SHEET - SAMPLE**

Center Name \_\_\_\_\_ Operated by: \_\_\_\_\_  
(Religious Institution)

**INSTRUCTIONS:** List the number of children enrolled in your center in the middle column, noting in the left-hand column when major changes in enrollment occur during your hours of operation. Please do not overlap the time periods. List the staff assigned to supervise children in the right-hand column, placing the names near the age group supervised. Place an asterisk (\*) beside the names of staff persons under the age of 18 years. Use additional sheets as necessary.

**NOTE:** Staff are counted in the staff-to children ratio only when directly supervising children  
At least one adult must be regularly present in each grouping of children  
Staff members and volunteers counted in ratios must be at least 16 years of age  
Staff members under age 18 must be under the supervision of an adult staff member  
Adult staff members may supervise no more than 2 staff members under 18 years of age at any one time

**REQUIRED STAFF-CHILD RATIOS:**

Birth – 24 mos. = 1 staff for every 4 children  
2 yrs - 6yrs = 1 staff for every 10 children  
6 yrs and over = 1 staff for every 25 children

DAY	NUMBER OF CHILDREN ENROLLED BY AGE GROUP		NAMES OF STAFF ASSIGNED EACH PERIOD
	Age Group	Total Number	
<b>MONDAY</b>  Period: From <u>6:30 a.m.</u> Time  To <u>8:30 a.m.</u> Time	0-24 mos.	<u>8</u>	<u>Ms. Kidd</u> <u>Mrs. Rogers</u>  
	2-6 yrs.	<u>20</u>	<u>Mrs. Thomas</u> <u>Ms. Steinham</u>  
	6yrs.+	<u>15</u>	<u>Ms. Smith</u>  
Period: From <u>8:30 a.m.</u> Time  To <u>3:30 p.m.</u> Time	0-24 mos.	<u>8</u>	<u>Ms. Kidd</u> <u>Mrs. Rogers</u>  
	2-6 yrs.	<u>14</u>	<u>Mrs. Thomas</u> <u>Ms. Steinham</u>  
	6yrs.+	<u>0</u>	  
Period: From <u>3:30 p.m.</u> Time  To <u>6:00 p.m.</u> Time	0-24 mos.	<u>5</u>	<u>Ms. Lewis</u> <u>Miss Jones*</u>  
	2-6 yrs.	<u>20</u>	<u>Mrs. Green</u> <u>Miss Lee*</u>  
	6yrs.+	<u>15</u>	<u>Ms. Smith</u> <u>MissBrown*</u>  

**Religiously Exempt Child Day Center**  
**Program Decision to Not Administer Prescription Medications**

My program has made the following decision regarding the administration of medications to a child in my program: (Check one)

I (or my staff) **WILL NOT** administer any medications – prescription or non-prescription medication (non-prescription medications include, but are not limited to, Tylenol, cough syrup, diaper ointment, sunscreen, and topical insect repellants).

I (or my staff) will administer **ONLY** non-prescription medications (non-prescription medications include, but are not limited to, Tylenol, cough syrup, diaper ointment, sunscreen, and topical insect repellants).

**Provider and the parent of each enrolled child must sign below. The provider must maintain a copy of this form in each child’s individual record.**

Provider’s Name (please print):	Facility Name:
Provider’s Signature:	Date:
Parent or Guardian Signature:	Date:

**Confidentiality Statement**

Information about any child in my program is confidential and will not be given to anyone except VDSS’ designees or other persons authorized by law unless the child’s parent or guardian gives written permission. Information about a child in my program will be given to the local department of social services if the child received a day care subsidy or if the child has been named in a report of suspected child abuse or maltreatment or as otherwise allowed by law.

**Rehabilitation Act of 1973**

I understand that if my program receives any federal funding (such as child care subsidy from a local department of social services), I am subject to Section 504 of the Rehabilitation Act of 1973 which is similar to the provisions of the Americans with Disabilities Act. If a child enrolled in my program now or in the future is identified as having a disability covered under the Rehabilitation Act, I will assess the ability of the program to meet the needs of the child. For further information on the Rehabilitation Act seek legal counsel and/or go to the following website:  
<http://www.dol.gov/oasam/regs/statutes/sec504.htm>

**Provider Statement**

I understand that it is my responsibility to follow my *Program’s Decision Regarding Medication* plan and all health, infection control, and medication administration regulations applicable to my child day program. The Program Decision Regarding Medication plan will be made available to parents at enrollment, whenever changes are made, and upon request.

**Religiously Exempt Child Day Center**  
**Program Decision to Administer Medications**

My program has made the following decision regarding the administration of medications to a child in my program:

I (or my staff) **WILL** administer prescription and non-prescription medications.

**Provider and the parent of each enrolled child must sign below. The provider must maintain a copy of this form in each child's individual record.**

Provider's Name (please print):	Facility Name:
Provider's Signature:	Date:
Parent's Signature:	Date:

**Authorized Staff to Administer Prescription Medications**

The program will administer prescription medications in accordance with the physician's or other prescriber's instructions and in accordance with the standards of practice in the MAT training. Only a provider who has successfully completed the MAT training or has appropriate licensure to administer prescription medications and is listed as a medication administrator in the *Program's Decision Regarding Medication Plan* will be permitted to administer prescription medications in my program.

I understand that any individual listed in this section as a medication administrator is approved to administer prescription medications using the following routes: topical, oral, inhaled, eye, and ear, medication patches and epinephrine using an auto-injector device.

I understand that if a child in my program requires prescription medication to be administered rectally, vaginally, by injection or by another route not listed above, I will follow the procedures outlined in the MAT training for children with special health care needs.

I understand that to be approved to administer prescription medication, all individuals listed in my *PROGRAM'S DECISION REGARDING MEDICATION* plan (unless the individual is licensed to administer prescription medications) must have a valid:

- Medication Administration Training (MAT) certificate;
- CPR certificate which covers all ages of the children my program is approved to care for as listed on my registration/license; and
- First aid certificate which covers all ages of children my program is approved to care for as listed on my registration/license.

**Religiously Exempt Child Day Center**  
**Program Decision to Administer Medications**

**Medication Administrator(s)**

MAT certificates (or documentation of licensure to administer prescription medications), age-appropriate first aid certificates, and CPR certificates for the staff listed below will be kept on site and be available upon request.

Provider/Staff Name: \_\_\_\_\_

Provider/Staff Name: \_\_\_\_\_

Provider/Staff Name: \_\_\_\_\_

Provider/Staff Name: \_\_\_\_\_

**Confidentiality Statement**

Information about any child in my program is confidential and will not be given to anyone except VDSS' designees or other persons authorized by law unless the child's parent or guardian gives written permission. Information about a child in my program will be given to the local department of social services if the child received a day care subsidy or if the child has been named in a report of suspected child abuse or maltreatment or as otherwise allowed by law.

**Rehabilitation Act of 1973**

I understand that if my program receives any federal funding (such as child care subsidy from a local department of social services), I am subject to Section 504 of the Rehabilitation Act of 1973 which is similar to the provisions of the Americans with Disabilities Act. If a child enrolled in my program now or in the future is identified as having a disability covered under the Rehabilitation Act, I will assess the ability of the program to meet the needs of the child (for further information on the Rehabilitation Act seek legal counsel and/or go to the following website: <http://www.dol.gov/oasam/regs/statutes/sec504.htm>)

**Provider Statement**

I understand that it is my responsibility to follow my *PROGRAM'S DECISION REGARDING MEDICATION* plan and all health and infection control regulations applicable to my child day program.

I will verify and document the credentials for all new staff certified to administer prescription medications before the staff is allowed to administer prescription medications to any child in my child day program.

The *PROGRAM'S DECISION REGARDING MEDICATION* plan will be made available to parents at enrollment, whenever changes are made and upon request.

SWORN STATEMENT OR AFFIRMATION FOR CHILD DAY PROGRAMS  
Please Print

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<b>Last Name</b>	<b>First</b>	<b>Middle</b>	<b>Maiden</b>	<b>Social Security Number</b>
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<b>Current Mailing Address Street, P.O. Box #, Apt. #</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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<b>Name of Licensed/Registered Approved Facility/Provider</b>	<b>Street, P.O. Box #, Apt. #</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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*Please respond to all four (4) questions below:*

1. Have you ever been convicted of or are you the subject of pending charges of any crime within the Commonwealth of Virginia?     Yes (convicted in Virginia)     Yes (pending in Virginia)     No

If yes to convicted or pending, specify crime(s): \_\_\_\_\_

\_\_\_\_\_

2. Have you ever been convicted of or are you the subject of pending charges of any crime outside the Commonwealth of Virginia?     Yes (convicted outside Virginia)     Yes (pending outside Virginia)     No

If yes to convicted or pending, specify crime(s) and state, or other location: \_\_\_\_\_

\_\_\_\_\_

3. Have you ever been the subject of a founded complaint of child abuse or neglect within the Commonwealth of Virginia?     Yes (in Virginia)     No (in Virginia)

4. Have you ever been the subject of a founded complaint of child abuse or neglect outside the Commonwealth of Virginia?     Yes (outside Virginia)     No (outside Virginia)

If yes, specify state, or other location: \_\_\_\_\_

**I hereby affirm that the information provided on this form is true and complete. I understand that the information is subject to verification and that making a materially false statement or affirmation is a Class I misdemeanor.**

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Signature

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Date

## Explanation of Sworn Statement or Affirmation

**Requirement:** Sections 63.2-1704, 63.2-1720, 63.2-1721, 63.2-1722, 63.2-1724 and 63.2-1725 of the *Code of Virginia* (Code) require individuals to provide a sworn statement or affirmation to a licensing, approving or hiring authority, facility, or agency prior to licensure, registration, approval, employment, or provision of volunteer services. A sworn disclosure or affirmation is a statement completed by a person attesting to whether he has ever been: (i) convicted of or the subject of pending charges of any crime within the Commonwealth or equivalent offense outside the Commonwealth, or (ii) the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Additionally for family day homes, the person affirms if he, or if he knows that any person who resides in the home, has a sex offense conviction or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. The statement or affirmation must be made available to the Department of Social Services' representative.

**Who must comply:** These individuals must provide sworn statements or affirmations:

- Applicant upon application for licensure or registration as a child welfare agency, and any subsequent person designated as applicant, licensee, or registrant;
- Agent at the time of application who is or will be involved in the day-to-day operation of the child welfare agency or who is or will be alone with, in control of, or supervising one or more of the children and any subsequent person designated as agent who will be involved in the day-to-day operation or will be alone with, in control of, or supervising one or more of the children;
- Any other adult living in the home of an applicant for licensure or registration or approval as a family day home, or any existing employee or volunteer, and subsequent employee or volunteer or other adult living in the home;
- Operator of family day home requesting approval by family day system;
- Person who signs the statement of intent to operate a religiously exempt child day center;
- Any person who will be expected to be alone with one or more children enrolled in a religious exempt child day center; and
- Any employee or volunteer of a licensed, registered, or approved facility who is involved in the day-to-day operations or who is alone with, in control of, or supervising one or more children.

Note: Any other child day center or family day home that has not otherwise met these requirements, and applies to enter into a contract with a local department to provide child care services to clients of a local department, must also submit a sworn statement or affirmation.

Exception: A parent-volunteer is not required to provide a sworn statement or affirmation. A parent-volunteer is a person supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received satisfactory background checks as provided for in the Code.

Any person making a materially false statement regarding any such offense is guilty of a Class 1 misdemeanor.

Further dissemination of the sworn statement information is prohibited other than to the Commissioner's representative or a federal or state authority or court in order to comply with an express requirement in the law for that dissemination.

**Consequence:** If a person required to submit a sworn statement or affirmation (i) fails to submit a sworn statement or affirmation, or (ii) has been convicted of a barrier crime (specified below), or (iii) has been convicted of any other felony in the last five years, or (iv) has been the subject of a founded complaint of child abuse or neglect, and the facility refuses to separate that person from employment or service:

- Licensure, registration or approval of a child day program is prohibited;
- Licensure, registration or approval will be revoked and renewal of a license or registration or religiously exempt status will be denied;
- Religiously exempt status will be revoked; and
- The child welfare agency will not be permitted to receive federal, state or local child care funds.

Exception: A person who wants to operate or to volunteer or work at a facility covered by this regulation, but who is disqualified because of a criminal conviction, or a criminal conviction in the background check of any other adult living in a family day home governed by this regulation may apply for a waiver if: 1) a non-barrier crime felony conviction occurred less than five years ago, or 2) any other adult living in the home of a state regulated family day home applicant or provider has been convicted of not more than one misdemeanor offense of assault and battery or assault and battery against a family or household member. This other adult may not be an assistant or substitute provider.



**COMMONWEALTH OF VIRGINIA SCHOOL ENTRANCE HEALTH FORM**  
**ORDER FOR MCH-213F (WHITE SCHOOL FORMS)**

Please send \_\_\_\_\_ pack(s) of the School Health Entrance Form MCH-213F.  
**THERE IS A LIMIT OF 4 PACKS (200 COPIES).**

Forms are also available online at:

<http://www.vdh.virginia.gov/epidemiology/immunization/documents/SchoolForm.pdf>

You may download and print, as needed.

**NAME OF FACILITY:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**Please Mail or Fax Form to:**  
**Virginia Department of Health**  
**Division of Immunization**  
**P. O. Box 2448**  
**Room 314 West**  
**Richmond, VA 232318-2448**  
**Fax: (804) 864-8089**

**COMMONWEALTH OF VIRGINIA CERTIFICATE OF RELIGIOUS EXEMPTION**

Name \_\_\_\_\_ Birth Date \_\_\_\_\_

Student I.D. Number \_\_\_\_\_

The administration of immunizing agents conflicts with the above named student's/my religious tenets or practices. I understand, that in the occurrence of an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in my/my child's school, the State Health Commissioner may order my/my child's exclusion from school, for my/my child's own protection, until the danger has passed.

Signature of parent/guardian/student \_\_\_\_\_ Date \_\_\_\_\_

I hereby affirm that this affidavit was signed in my presence on

This \_\_\_\_\_ Day of \_\_\_\_\_

Notary Public Seal

Form CRE-1; Rev. 00/92

Also you can view and print the form from the Department of Health's website [www.vdh.state.va.us/imm](http://www.vdh.state.va.us/imm) Click on School Requirements and click on Religious Exemption Form.

## **SECTION V**

### **APPROVAL/DENIAL/REVOCAION OF EXEMPTION**

### **ON-SITE VISITS AND INSPECTIONS**

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## **FAILURE TO FILE REQUIRED DOCUMENTS FOR EXEMPTION**

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Section 63.2-1716 C of the Code of Virginia states that if a religious institution operates a child day center and does not file the statement and documentary evidence with the Virginia Department of Social Services, the Commissioner must give reasonable notice to the religious institution of the nature of its noncompliance and may thereafter take such action as he determines appropriate, including a suit to enjoin the operation of the child day center.

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## **DENIAL/REVOCAION OF EXEMPTION**

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The Commissioner may deny the exemption for:

- A child day center whose submitted documentary evidence does not meet the requirements of Section 63.2-1716 of the Code of Virginia; and
- A previously licensed child day center with a history of persistent violations of the necessary criteria for religious exemption from licensure, e.g., staffing, background checks, supervision, etc. as the center does not have the ability to meet the statutory criteria in the future (unless the center can present evidence to the contrary).

The Commissioner may revoke the exemption for any child day center in serious or persistent violation of the requirements of Section 63.2-1716 of the Code of Virginia.

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## **COMPLAINTS**

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Any person who has reason to believe that a religiously exempt child day center is not in compliance with the requirements of Section 63.2-1716 of the Code of Virginia may report the same to:

- the local department of social services (complaints of child abuse or neglect);
- the local health department (complaints about sanitation or food service);
- or the local fire marshal (complaints about building or fire safety); or
- the Licensing Office for the area (all complaints)

each of which may inspect the child day center for noncompliance, give reasonable notice to the religious institution, and thereafter may take appropriate action as provided by law.

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## **ON-SITE VISITS AND INSPECTIONS**

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Section 63.2-1716 of the Code of Virginia states licensing staff may perform on-site inspections of religious institutions to confirm compliance with the provisions of the Code and to investigate complaints that the center is not in compliance with the provisions of the Code.

Announced visits or inspections will be made upon a center's request for consultation or when the religious exemption information submitted indicates a center's need for assistance in complying with the law. Unannounced inspections will be made to conduct complaint investigations.

During on-site compliance determination inspections, licensing staff will evaluate the center's compliance with those items outlined in the Code. The Code requirements relate to the health and safety of children and do not include the center's program content or philosophy.

Section 63.2-1728 of the Code states that upon receipt of a complaint concerning the operation of an assisted living facility, adult day care center or child welfare agency, regardless of whether the program is subject to licensure, the Commissioner shall for good cause shown, cause an investigation to be made, including on-site visits as deemed necessary, of the activities, services, records and facilities. The facility must afford licensing staff reasonable opportunity to inspect all of the activities, services, records and facilities, and to interview its agents and employees and any child or other person within its custody or control. "For good cause shown" means that the complaint addresses issues covered under § 63.2-1716 of the Code and the complaint, on its face or in the context of information known to licensing staff, discloses no evidence that the complaint was brought to harass, to retaliate, or otherwise to achieve an improper purpose, such that the improper purpose casts serious doubt on the veracity of the complaint.

### **COMPLIANCE PLAN**

A Compliance Plan will be developed with the center when noncompliance with Code requirements is found. The center will be asked to provide a written description of the actions that will be taken to correct the areas of noncompliance and to provide a date by which time corrections will have been made.

The completed Compliance Plan must be signed and dated by licensing staff and a center representative. A copy of the plan is left on-site for center files.

If the center wants further discussion of the findings outlined in the plan, a conference with the licensing inspector and his/her supervisor may be requested. The request must be made within 15 days of the exit interview.

In addition to the information noted on the Compliance Plan, documentation of the following may be noted by staff during the on-site visit:

- Corrective action taken during the visit;
- Consultation provided; and
- Consultation requested.

## **PROBLEM-SOLVING CONFERENCES**

If center representatives believe that the laws have been applied or interpreted in a manner that is unreasonable, and the issue cannot be resolved with the assigned representative, the facility may request a problem-solving conference. The informal conference steps outlined below are available.

The religiously exempt center director may request either a desk review by, or a meeting with, the assigned representative's immediate supervisor.

A. If the request stems from a desire to contest the findings of an on-site visit, the following procedures shall apply:

1. The director must make the request within 15 days of receiving the Compliance Plan.
2. The request shall specify the contested finding(s) or conclusion and must specify whether a desk review or conference is being requested.
3. The request shall include the director's reasons for contesting the findings or other evidence supporting the request for a review or a conference.

B. The first step is an informal review or conference that will be held at the supervisor's office unless the supervisor designates a different location. The following procedures apply:

1. The supervisor shall report the findings of a desk review in writing within 10 days of receiving the request and supporting materials or shall hold the requested conference within 30 days of receipt of such request and materials.
2. When the request is for a conference, the supervisor shall, within 10 days following the conference, confirm to the director in writing the results of the conference and any subsequent decisions made by the supervisor. If, after the first step review, you believe that the laws, regulations, or departmental policies have been applied or interpreted in a manner that was unreasonable, arbitrary, or capricious, you may request a second step review by program supervisory personnel as assigned by the Director of Licensing Programs.
  - a. A second step informal review shall not be requested to challenge the content of an established law, regulation or policy. However, the application of a law, regulation or policy may be challenged.

b. When second step problem-solving conferences are requested, the request must be in writing and must specify whether the director is requesting a desk review or a conference. Conferences shall be held in the region in which the religiously exempt center is located or in Richmond, as designated by the Director of Licensing Programs; the designated location shall be as close to the center as possible.

c. The second step problem-solving request shall:

1. Be made within 15 days of the date of the first step response;
2. Specify the reason for requesting the second step informal review and include such information, explanation, or additional materials as necessary to support your belief that the decision reached at the first step was unreasonable, arbitrary, or capricious; and
3. Include a copy of relevant material and correspondence developed at the first step of the problem-solving conference.

d. Within 30 days of receipt of this request, the Director of Licensing must respond in writing or schedule the conference.

e. When the request is for a conference, the designated staff shall, within 10 days following the conference, confirm to the facility director in writing the results of the conference and any subsequent decisions made by program management staff.

**SAMPLE COMPLIANCE PLAN FORM**

RELIGIOUSLY EXEMPT CHILD DAY CENTERS  
 DIVISION of LICENSING PROGRAMS  
 VIRGINIA DEPARTMENT of SOCIAL SERVICES

Facility Name \_\_\_\_\_ Inspection Date \_\_\_\_\_ Findings Review Date \_\_\_\_\_

Inspection Type: (Circle one) Monitoring Complaint

(Circle one) Announced Unannounced Follow-up Date \_\_\_\_\_ By \_\_\_\_\_

CODE SECTION	DESCRIPTION OF VIOLATION	DESCRIPTION OF ACTION TO BE TAKEN (Preventative Actions & Staff Responsible)	DATE TO BE CORRECTED	VERIFICATION CORRECTION Yes/No; NA; or

The facility representative wants further discussion of the findings, a conference with the licensing inspector and his/her supervisor may be requested. Please contact your licensing within fifteen days of the findings review date to request a conference.

Inspector Signature \_\_\_\_\_ Date \_\_\_\_\_ Facility/Program Representative Signature \_\_\_\_\_  
 Date Received \_\_\_\_\_ Date Completed \_\_\_\_\_



## COMPLIANCE PLAN

### WRITTEN NOTIFICATION TO PARENTS/GENERAL PUBLIC

63.2-1716.A	Religious Exemption from Licensure
63.2-1716.A	Qualifications of Personnel
63.2-1716.A.6	Physical Facilities
63.2-1716.A.6	Enrollment Capacity
63.2-1716.A.6	Food Service
63.2-1716.A.6	Health Requirements for Staff
63.2-1716.A.6	Public Liability Insurance

### PROCEDURES (Established and Implemented)

63.2-1716.B.1	Hand Washing by Staff/Children
63.2-1716.B.2	Supervision of Children Intake/Dismissal
63.2-1716.B.3	Health Screening and Exclusion of Sick Children
63.2-1716.B.4	Person Trained and Certified in First Aid
63.2-1716.B.5	Immunization of Children Against Certain Diseases
63.2-1716.B.6	Premises Free of Obvious Injury Hazards
63.2-1716.B.7	Staff Recognizes Signs of Child Abuse and Neglect

### COMPLIANCE

63.2-1716.A.3	Ratio of Adults to Children
63.2-1716.A.3	Staff Counted in Ratio only when Supervising Children
63.2-1716.A.3	One Adult Staff Regularly Present in each Grouping of children
63.2-1716.A.3	Staff at least 16 Years of Age
63.2-1716.A.3	Staff under 18 Supervised by an Adult
63.2-1716.A.3	Adult Staff Supervise no more than 2 Staff under 18 at any given time
63.2-1716.A.4	Staff Health Reports
63.2-1716.A.5.b	Criminal Record and Central Registry Checks, Sworn. Disclosure Statement
63.2-1716.A.5.c	Reporting of Suspected Cases of Child Abuse and Neglect
63.2-1716.A.5.d	Valid Commercial/Driver's License
63.2-1716.A.5.d	Inspected Vehicles
63.2-1716.A.5.d	Insured Vehicles
63.2-1716.A.5.d	Child Restraint Devices
63.2-1809	Proof of Age and Identity
54.1-3408	Qualifications of Person Administering Prescription to a Child

## **SECTION VI**

### **CODE CITATIONS, REFERENCES AND RESOURCES**

**CODE OF VIRGINIA SECTIONS THAT PERTAIN TO RELIGIOUSLY EXEMPT  
CHILD DAY CENTERS**

§ 63.2-100. Definitions

§ 63.2-1715. Exemptions from licensure.

§ 63.2-1716. Child day center operated by religious institution religiously exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

§ 63.2-1719. Definitions (for Background Checks).

§ 63.2-1724. Records check by unlicensed child day center; penalty.

§ 63.2-1725. Records checks of child day centers or family day homes receiving federal, state or local child care funds; penalty.

§ 63.2-1728. Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.

§ 63.2-1729. Confidentiality of complainant's identity.

§ 63.2-1730. Retaliation or discrimination against complainants.

§ 63.2-1731. Retaliation against reports of child or adult abuse or neglect.

§ 63.2-1809. Regulated child day programs to require proof of child identity and age; report to law-enforcement agencies.

§ 32.1-46. Immunization of patients against certain diseases.

§ 54.1-3408 O. Qualifications of Person Administering Prescription Medication to a Child

The Code of Virginia can be found at the following website:  
<http://legis.state.va.us/Laws/CodeofVa.htm>

## **FIRE SAFETY AND EVACUATION PLANS**

***Fire Safety Plans*** include:

- Procedure for reporting fire and emergencies.
- Strategies/Priorities for notifying, relocating, or evacuation of occupants.
- Site plan(s) of outside assembly point, fire hydrants and FD access.
- Floor Plans to include:
  - Exits
  - Primary evacuation routes
  - Secondary evacuation routes
  - Areas of refuge
  - Manual fire alarm boxes
  - Portable fire extinguishers
  - Fire alarm enunciators and controls.
  - Fire suppression controls and location

***Fire Evacuation Plans*** include:

- Methods of evacuation
- Evacuation routes
- Procedures for those staff that must operate critical equipment.
- Accountability of residents and staff
- Identification of assignments of the staff
- Preferred and alternative methods of notification
- Description of types of voice/alarm communication system alert tone
- Training-new staff and annually-practice

## **INFORMATION FROM HANDBOOK FOR PUBLIC PLAYGROUND SAFETY - U.S. CONSUMER PRODUCT SAFETY COMMISSION**

### [2. .2.1 Unitary surfacing materials](#)

Unitary materials are generally rubber mats and tiles or a combination of energy-absorbing materials held in place by a binder that may be poured in place at the playground site and then cured to form a unitary shock absorbing surface.

Unitary materials are available from a number of different manufacturers, many of whom have a range of materials with differing shock absorbing properties. New surfacing materials, such as bonded wood fiber and combinations of loose-fill and unitary, are being developed that may also be tested to ASTM F1292 and fall into the unitary materials category. When deciding on the best surfacing materials keep in mind that some dark colored surfacing materials exposed to the intense sun have caused blistering on bare feet. Check with the manufacturer if light colored materials are available or provide shading to reduce direct sun exposure.

Persons wishing to install a unitary material as a playground surface should request ASTM F1292 test data from the manufacturer identifying the critical height rating of the desired surface. In addition, site requirements should be obtained from the manufacturer because some unitary materials require installation over a hard surface while others do not. Manufacturer's instructions should be followed closely, as some unitary systems require professional installation. Testing should be conducted in accordance with the ASTM F1292 standard.

### [2. .2.2 Loose-fill surfacing materials](#)

Engineered wood fiber (EWF) is a wood product that may look similar in appearance to landscaping mulch, but EWF products are designed specifically for use as a playground safety surface under and around playground equipment. EWF products should meet the specifications in ASTM F2075: *Standard Specification for Engineered Wood Fiber* and be tested to and comply with ASTM F1292.

There are also rubber mulch products that are designed specifically for use as playground surfacing. Make sure they have been tested to and comply with ASTM F1292.

When installing these products, tips 1-9 listed below should be followed. Each manufacturer of engineered wood fiber and rubber mulch should provide maintenance requirements for and test data on:

- Critical height based on ASTM F1292 impact attenuation testing.
- Minimum fill-depth data.
- Toxicity.
- ADA/ABA accessibility guidelines for firmness and stability based on ASTM F1951.

**INFORMATION FROM HANDBOOK FOR PUBLIC PLAYGROUND SAFETY -  
U.S. CONSUMER PRODUCT SAFETY COMMISSION, continued**

Other loose-fill materials are generally landscaping-type materials that can be layered to a certain depth and resist compacting. Some examples include wood mulch, wood chips, sand, pea gravel, and shredded/recycled rubber mulch.

Important tips when considering loose-fill materials:

1. Loose-fill materials will compress at least 25% over time due to use and weathering. This must be considered when planning the playground. For example, if the playground will require 9 inches of wood chips, then the initial fill level should be 12 inches. See Table 2 below.
2. Loose-fill surfacing requires frequent maintenance to ensure surfacing levels never drop below the minimum depth. Areas under swings and at slide exits are more susceptible to displacement; special attention must be paid to maintenance in these areas. Additionally, wear mats can be installed in these areas to reduce displacement.
3. The perimeter of the playground should provide a method of containing the loose-fill materials.
4. Consider marking equipment supports with a minimum fill level to aid in maintaining the original depth of material.
5. Good drainage is essential to maintaining loose-fill surfacing. Standing water with surfacing material reduces effectiveness and leads to material compaction and decomposition.
6. Critical height may be reduced during winter in areas where the ground freezes.
7. Never use less than 9 inches of loose-fill material except for shredded/recycled rubber (6 inches recommended). Shallower depths are too easily displaced and compacted
8. Some loose-fill materials may not meet ADA/ABA accessibility guidelines. For more information, contact the Access Board (see §1.6) or refer to ASTM F1951.
9. Wood mulch containing chromated copper arsenate (CCA)-treated wood products should not be used; mulch where the CCA-content is unknown should be avoided (see §2.5.5.1).

Table 2 shows the minimum required depths of loose-fill material needed based on material type and fall height. The depths shown assume the materials have been compressed due to use and weathering and are properly maintained to the given level.

<b>Table 2. Minimum compressed loose-fill surfacing depths</b>			
<b>Inches Of</b>	<b>(Loose-Fill Material)</b>	<b>Protects to</b>	<b>Fall Height (feet)</b>
6*	Shredded/recycled rubber		10
9	Sand		4
9	Pea Gravel		5
9	Wood mulch (non-CCA)		7
9	Wood chips		10
* Shredded/recycled rubber loose-fill surfacing does not compress in the same manner as other loose-fill materials. However, care should be taken to maintain a constant depth as displacement may still occur.			

The Handbook for Public Playground Safety is available from the U.S. Consumer Product Safety Commission at <http://www.cpsc.gov>

## Licensing Offices

(For information on how to become a religious religiously exempt program or a licensed child day center, contact the Licensing Office for your area.)

### Central Licensing Office

1604 Santa Rosa Road, Suite 130  
Richmond, VA 23229-5008

Tel: (804) 662-9743 Fax: (804) 662-7023

Counties: Amelia, Brunswick, Buckingham, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Essex, Fluvanna, Goochland, Halifax, Hanover, Henrico, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mecklenburg, New Kent, Northumberland, Nottaway, Powhatan, Prince Edward, Prince George, Richmond, Westmoreland  
Cities: Blackstone, Colonial Heights, Farmville, Hopewell, Lawrenceville, Petersburg, Richmond, South Boston, Westpoint

### Eastern Licensing Office

Pembroke Office Park  
Pembroke IV Office Building, Suite 300  
Virginia Beach, VA 23462-5496

Tel: (757) 491-3990 Fax: (757) 552-1832

Counties: Accomack, Greensville, Northampton, Southampton  
Cities: Chesapeake, Emporia, Franklin, Norfolk, Portsmouth, Suffolk, Virginia Beach

### Peninsula Licensing Office

2600 Washington Avenue, Suite 202  
Newport News, VA 23607  
Tel: (757) 247-8020 Fax: (757) 247-8024

Counties: Gloucester, Greensville, Isle of Wight, James City, Mathews, Middlesex, Surry, Sussex, York  
Cities: Hampton, Newport News, Poquoson, Williamsburg

### Northern Licensing Office

170 West Shirley Avenue, Suite 200  
Warrenton, Virginia 20186  
Tel: (540) 347-6345 Fax: (540) 347-6304

Counties: Culpeper, Fauquier, Prince William, Rappahannock, Spotsylvania, Stafford  
Cities: Fredericksburg, Manassas, Manassas Park., Woodbridge, Dale City



### **Fairfax Licensing Office**

3701 Pender Drive, Suite 120  
Fairfax, VA 22030  
Tel: (703) 934-1505 Fax: (703) 934-1558

Counties: Arlington, Loudoun, Fairfax  
Cities: Alexandria, Annandale, Centreville, Fairfax, Falls Church, Herndon

### **Valley Licensing Office**

Augusta Professional Park  
57 Beam Lane, Suite 303  
Fishersville, VA 22939-2206  
Tel: (540) 332-2330 Fax: (540) 332-7748

Counties: Albemarle, Augusta, Clarke, Frederick, Greene, Highland, Madison, Orange, Page, Rockingham, Shenandoah, Warren  
Cities: Charlottesville, Harrisonburg, Staunton, Waynesboro, Winchester

### **Piedmont Licensing Office**

1351 Hershberger Road, Suite 210  
Roanoke, VA 24012  
Tel: (540) 857-7920 Fax: (540) 561-7536

Counties: Alleghany, Amherst, Appomattox, Bath, Bedford, Botetourt, Campbell, Craig, Franklin, Henry, Nelson, Patrick, Pittsylvania, Roanoke, Rockbridge.  
Cities: Bedford, Buena Vista, Clifton Forge, Covington, Danville, Lexington, Lynchburg, Martinsville, Roanoke, Salem

### **Western Licensing Office**

190 Patton Street  
Abingdon, VA 24210  
Tel: (276) 676-5490 Fax: (276) 676-5621

Counties: Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe  
Cities: Blacksburg, Bristol, Christiansburg, Galax, Norton, Radford

### **LICENSING INFORMATION LINE - CHILD DAY CENTERS**

1-800-KIDS-LIL or 1-800-543-7545 or Richmond Area Only 692-2394

## LIST OF WEBSITES

1. Licensing's model forms:  
[http://www.dss.virginia.gov/facility/child\\_care/unlicensed/recdc/index.cgi](http://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi). Click on "Current RECDC Providers"
2. Information on tax exempt status as a nonprofit religious institution in the IRS publication, "Tax Guide for Churches and Religious Organizations": <http://www.irs.gov/pub/irs-pdf/p1828.pdf>
3. List of local fire officials:  
[http://www.vafire.com/state\\_fire\\_marshall/PDFs/FireOfficiallisting20100728.pdf](http://www.vafire.com/state_fire_marshall/PDFs/FireOfficiallisting20100728.pdf)
4. List of the State Fire Marshal's regional offices:  
[http://www.vafire.com/state\\_fire\\_marshall/state\\_fire\\_marshall\\_regional\\_offices.html](http://www.vafire.com/state_fire_marshall/state_fire_marshall_regional_offices.html)
5. List of local building officials:  
[http://www.dhcd.virginia.gov/BuildingandFireCodesTraining/PDFs/Building\\_Officials\\_Directory.pdf](http://www.dhcd.virginia.gov/BuildingandFireCodesTraining/PDFs/Building_Officials_Directory.pdf)
6. Information about training on daily health observation and first aid training:  
[http://www.dss.virginia.gov/family/cc\\_providertrain/tips.cgi](http://www.dss.virginia.gov/family/cc_providertrain/tips.cgi).
7. Child & Adolescent Immunization Schedules:  
<http://www.vdh.virginia.gov/Epidemiology/Immunization/acip.htm>)
8. MCH-213G form (for documenting immunizations received):  
<http://www.vdh.virginia.gov/epidemiology/immunization/documents/SchoolForm.pdf>
9. Religious Exemption form for immunizations:  
[http://www.doe.virginia.gov/support/health\\_medical/certificate\\_religious\\_exemption.pdf](http://www.doe.virginia.gov/support/health_medical/certificate_religious_exemption.pdf)
10. "A Guide for Mandated Reporters on Recognizing and Reporting Child Abuse and Neglect":  
[http://www.dss.virginia.gov/files/division/dfs/cps/intro\\_page/mandated\\_reporters/resources\\_guidance/booklet.pdf](http://www.dss.virginia.gov/files/division/dfs/cps/intro_page/mandated_reporters/resources_guidance/booklet.pdf)
11. Free on-line training on recognizing, reporting and responding to child abuse and neglect (Course # CWS5692):  
[http://www.vcu.edu/vissta/non\\_vdss\\_employees/mandated\\_reporter\\_courses.htm](http://www.vcu.edu/vissta/non_vdss_employees/mandated_reporter_courses.htm)
12. Information on the Rehabilitation Act: <http://www.dol.gov/oasam/regs/statutes/sec504.htm>
13. Code of Virginia: <http://legis.state.va.us/Laws/CodeofVa.htm>
14. "Handbook for Public Playground Safety": <http://www.cpsc.gov>