



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

DIVISION OF LICENSING PROGRAMS

DOCUMENTATION FOR RELIGIOUSLY EXEMPT CHILD DAY CENTERS

Section 63.2-1701 of the *Code of Virginia* (Code) requires child day centers be licensed by the Virginia Department of Social Services (VDSS), and § 63.2-1716 of the Code allows an exemption from licensure for a child day center operated or conducted under the auspices of a religious institution.

“Under the auspices” means the religious institution offers protection, support, patronage, guidance, or aid to the child day center. The religious institution is responsible for ensuring the supervision, protection, and well-being of children in the center’s care.

A religious institution only providing space for the center or only allowing its name to be used in affiliation with the child day center does not meet religious exemption criteria.

The center is not required to be located in a building owned by the religious institution, or be located at the site of the religious institution. The child day center can be a separate business entity, corporation, or company from the religious institution, as long as the center is operated under the auspices of the religious institution.

To claim the exemption in § 63.2-1716, the religious institution is required to file documentation in the form of a *Statement of Intent* with VDSS prior to opening a child day center, and annually thereafter within 30 days of the anniversary date. The form is located at: [Religiously Exempt Child Day Centers \(REDC\) - Virginia Department of Social Services](#)

Preparing the Statement of Intent

The *Statement of Intent* and supporting documentation must be submitted and approved prior to beginning operation, relocating, or adding a Religiously Exempt Child Day Center (REDC) location.

- **Section I** – Covers demographic data, contact information, and the number of children the center is requesting to serve in addition to the age range.
- **Section II** – Requires a description of how the child day center is operating under the auspices of the religious institution to meet exemption status. Details of the relationship and connection between the religious institution and the child day center including the protection, support, patronage, guidance or aid offered by the religious institution are explained here.
- **Section III** – Requires the religious institution to provide evidence of religious exempt status, local health department and fire marshal inspections of the child care center facilities, supervisory and personnel staffing pattern information to meet ratio requirements, staff health reports, and written aspects of the center’s operations required to be communicated to the public and parents or guardians.

The following documentary evidence must be provided:

1. **Religious exempt status:** Proof 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, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.
2. **Local health department and fire marshal inspections of the child care center facilities:** Within the prior 90 days for the initial exemption and within 180 days prior to the anniversary date thereafter, submit an official report from the local health department and local fire marshal or Office of the State Fire Marshal indicating they have inspected the physical facilities of the child daycenter and that they have determined the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.
3. **Staffing pattern information to meet ratio requirements:** § 63.2-1716.A.3 requires the following ratio of staff to children:

Age Group	Staff to Children Ratio
0 to 16 months	1 staff to 4 children
16 months to 24 months	1 staff to 5 children
24 months to 36 months	1 staff to 8 children
36 months to 5 years	1 staff to 10 children
5 years to 9 years	1 staff to 20 children
9 years to 12 years	1 staff to 25 children

Additional staff is required when the number of children exceeds the required ratio by one or more. Staff are counted in the staff-to-children ratios only when they are directly supervising children.

Staff members must be at least 16 years of age. Staff members who are under 18 years of age must be under the direct supervision of an adult staff member, and adult staff members may not supervise more than 2 staff members who are under 18 years of age.

The pattern of staffing can be submitted on the “Staff-Child Ratio Information Sheet.” [Religiously Exempt Child Day Centers \(RECDC\) - Virginia Department of Social Services](#)

4. **Health reports:** Documentation that each person in a childcare supervisory role has been certified by a practicing physician or physician assistant to be free from any disability which would prevent them from caring for children under their supervision. A “Staff Health Report” or equivalent must be submitted. [Religiously Exempt Child Day Centers \(RECDC\) - Virginia Department of Social Services](#)
5. **Communicating aspects of the child care center operations to the public and parents or guardians:** A written statement must be provided to parents or guardians of children in the center and made available to the general public describing:
 - Physical facilities – A written description of the 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 the facilities;
 - Enrollment capacity – State the maximum number of children the RECDC will enroll at

any one time. The local building official or other official may limit the number of enrolled children who may be in attendance at any one time;

- 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);
 - Health requirements for staff – You may simply state the religious exemption law’s requirement that your staff be certified annually by a practicing physician, physician’s assistant, or licensed nurse practitioner to be free from any disability which would prevent them from caring for children under his/her supervision;
 - Public liability insurance – Disclose to the parents or guardians of the children enrolled in the RECDC, 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.
6. A person trained and certified in first aid and cardiopulmonary resuscitation (CPR) will be present at the child day center whenever children are present or at any other location in which children attending the child day center are present.
 7. The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics.
- **Section IV** – Requires the religious institution to certify that the child day center has established and implemented procedures for:
 1. Handwashing by staff and children before eating and after toileting and diapering;
 2. 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 1) staff/child ratios, staffing and supervision requirements outlined in the Code; and 2) 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 procedures for oversight and supervision are carried out;
 3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings;
 4. Ensuring a person trained and certified in first aid is present at the RECDC 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 are a few of the organizations that offer certification for persons who take and pass their first aid courses;
 5. Ensuring compliance with the immunization provisions of the Code. 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.
 - Pursuant to subsection D of Section 32.1-46 of the Code, documentation of immunizations is not required for any child whose:
 - 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 Commonwealth of Virginia [Certificate of Religious Exemption](#) or equivalent must

be submitted.

- 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](#) MCH-213G contains a space for this statement.
 - While not required by law for centers operated under the auspices of religious institutions, the Virginia Department of Health recommends the use of the [School Entrance Health Form](#) MCH-213G for documenting immunizations received.
6. Ensuring all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other surfacing material under playground equipment. Surfacing material is designed to help absorb the shock if a child falls off of equipment.
7. Ensuring all staff are able to recognize the signs of child abuse and neglect. Free on-line training on recognizing, reporting and responding to child abuse and neglect (Course # CWS5692). http://www.dss.virginia.gov/family/cps/mandated_reporters/cws5692/index.html
- Section 63.2-100 of the Code defines an "abused or neglected child" as "any child less than eighteen years of age:
 - 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;
 - 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;
 - Whose parents or other person responsible for his care abandons such child;
 - 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
 - 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."
8. Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Commissioner. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite healthcare professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred. You may submit your reports online at: <http://www.dss.virginia.gov/facility/iromt.cgi> Select the green box that applies to the program (Subsidy Programs or Non Subsidy Programs) then select Exempt Child Day Program as the Type of Provider and enter the information.

- **Section V** – Requires the individual representing the religious institution to certify:

1. The child day center is operating under the auspices of the named religious institution;

2. Requirements of §63.2-1716 of the Code have been received and read;
3. The individual representing the religious institution is not ineligible to operate another child welfare agency;
4. All applicants for employment, employees, applicants to serve as volunteers, volunteers, and any other person who is expected to be alone with one or more children enrolled in the child day center to obtain a background check as required by §63.2-1724 of the Code and comply with requirements in the Background Checks for Child Welfare Agencies regulation (22VAC40-191). Information and procedures on fingerprint based criminal history record requirements is located at: https://www.dss.virginia.gov/family/children_background.cgi
 - Background checks include:
 - A sworn statement or affirmation;
 - A fingerprint based national criminal history search;
 - A search of the child abuse and neglect registry in Virginia;
 - A search of the child abuse and neglect registry in any other state a person has lived in the past five years.
5. Compliance with §63.2-1509 of the Code relating to reporting suspected cases of child abuse and neglect. https://www.dss.virginia.gov/family/cps/mandated_reporters/cws5692/index.html
6. Anyone operating a motor vehicle has a valid Virginia driver's license:
 - A commercial driver's license required if transporting more than 16 persons;
 - Vehicles are inspected every 12 months and display a valid inspection sticker;
 - Vehicles transporting children have insurance required by § 46.2-472 of the Code;
 - Comply with § 46.2-1095 of the Code:
 - A child up to age eight must be provided with and properly secured in a child restraint device which meets U.S. Department of Transportation standards;
 - 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; and,
 - All children except those required to be secured in a child restraint device are provided with and properly secured by an appropriate safety belt system when transported in any motor vehicle manufactured after January 1, 1968.
 - Comply with § 46.2-1100 of the Code which states that if a physician licensed to practice medicine 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 *Statement of Intent* 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 and submitted to the Virginia Department of Social Services' Licensing Office serving your area. [Contact Us - Virginia Department of Social Services](#)

Exemption letters originate from the Department of Social Services' Regional Licensing Administrator. The letter communicating this exemption is required to be posted pursuant to §63.2-1716 of the Code.