

DOCUMENTATION FOR RELIGIOUSLY EXEMPT CHILD DAY CENTERS (RECDC)

Code of Virginia § 63.2-1716 exempts from licensure a child day center operated or conducted under the auspices of a religious institution if the religious institution files certain documentation with the Virginia Department of Social Services (VDSS) prior to opening and then annually.

In order for the center to be considered 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 providing space for the center or 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. A building housing the center does not have to be owned by the religious institution or have to be located at the site of the religious institution as long as the center is operated under the auspices of the religious institution.

The center can be a separate business entity from the religious institution, e.g., the center is a separate corporation or limited liability company, as long as the center is operated under the auspices of the religious institution. The exemption is granted to the religious institution, and the religious institution is responsible for ensuring the supervision, protection, and well-being of children in the center's care.

What is a religious institution?

Church, synagogue, mosque. Organization that is related to a church, convention or association of churches (an integrated auxiliary of a church). School that has devotion to religious principles or the teaching of religion as an organizational goal.

When must the religious institution submit the required documentation for an exemption?

To allow adequate time for processing the documentation for exemption, the documentation should be submitted at least 60 days **PRIOR** to beginning operation and **ANNUALLY**, at least 30 days before the anniversary date of the current exemption. The anniversary date of the current exemption is based on the end date indicated on the exemption letter issued by the licensing office.

If an RECDC moves its operations from one location to another, a new application for exemption must be submitted and approved prior to beginning operation at the new location.

What is the required documentation?

Complete the "Statement of Intent" form which includes a list of required documentation and certifications required initially and annually to maintain the exemption from child day center licensure with VDSS.

Where can I find the required documentation?

Information about RECDC as well as documents can be found on The Virginia Department of Social Services “Religiously Exempt Child Day Centers” webpage
https://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi

Where do I send the required documentation?

Please send the documentation to your regional licensing office of VDSS. Visit the website https://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/new_applicants/becoming_licensed/licensing_offices_contact_information.pdf for contact information.

What are the other requirements for a RECDC under Code of Virginia § 63.2-1716?

- The RECDC 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.
- The RECDC must post the fact that it is exempt from licensure in a visible location on the premises. An RECDC can consider posting the “Public Disclosure Statement” model form or a copy of the letter issued by the licensing office after exemption documentation is complete and processed.
- The RECDC must also disclose, in writing, to the parents or guardians of the children enrolled in the center the description of the staff job qualifications before they would be hired, such as certain academic training, work experience, or personal attributes. The qualifications are defined solely by the religious institution.
- In addition to employing supervisory personnel to maintain the appropriate ratio of staff to children, a RECDC must also comply with the following:

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

- *When a group of children receiving care includes children from different age groups, the age of the youngest child in the group shall be used to determine the staff-to-children ratio that applies to that group.*
- Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children.

- During designated daily rest periods, for children ages 16 months to six years old, only one staff member shall be required to be present with the children under supervision.
 - In each grouping of children, at least one adult staff member shall be regularly present.
 - Staff members shall be at least 16 years of age.
 - Staff members under 18 years of age shall be under the supervision of an adult staff member.
 - Adult staff members shall not supervise more than two staff members under 18 years of age at any given time.
- Each person in a supervisory position has been certified by a practicing physician or physician assistant to be free from any disability which would prevent him from caring for children under his supervision. Staff can use the “Staff Health Report” model form or its equivalent.
 - Section 63.2-1724 of the Code requires that all applicants for employment, employees, volunteers, and any other person who is alone with children enrolled at the RECDC have the following:

BACKGROUND CHECKS:

- Sworn statement or affirmation
 - Fingerprint-based national criminal history record check
 - Search of the criminal history name check AND sex offender registry check from any other state a person has resided in the past five years
 - Search of the child abuse and neglect registry in Virginia
 - Search of the child abuse and neglect registry in other states a person has lived in the past five years
- Section 63.2-1509 of the Code relating to reporting of suspected cases of child abuse and neglect 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 as soon as possible, but no longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect shall be fined . . ."

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

http://www.dss.virginia.gov/files/division/dfs/mandated_reporters/cps/resources_guidance/B032-02-0280-00-eng.pdf

- Section 46.2-300 and the following Code sections state requirements regarding the transportation of children at the RECDC.
 - Individuals that transport children must possess a valid driver’s license or commercial driver’s license (CDL). A commercial driver's license is required to operate a vehicle that transports 16 or more persons.
 - 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.
 - Vehicles to transport children must be insured. 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.”

- Proper restraint devices must be provided on vehicles to transport children. Section 46.2-1095 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.
 - 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.
 - 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 following aspects of the child day center's operations are described in a written statement to the parents or guardians of the children in the center and made available to the public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance by completing the “Public Disclosure Statement” model form or its equivalent.
- The individual seeking to operate the child day center is not currently ineligible to operate another child welfare agency due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child welfare agency.
- 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.
- The child day center is in compliance with all safe sleep guidelines recommended by the American Academy of Pediatrics. Their website is: <https://www.aap.org> Also, the VDSS has a SafeSleep365 website at https://www.dss.virginia.gov/safe_sleep/

- The RECDC shall establish and implement procedures for:
 - Handwashing 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 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 the center's procedures for oversight and supervision are carried out.
 - A daily simple health screening and exclusion of sick children by a trained person.
 - Ensuring the RECDC is in compliance with the immunization provisions of section 32.1-46 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.
 - 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. The form is available at the following website: <http://www.vdh.virginia.gov/content/uploads/sites/58/2016/12/MCH-213G-032014.pdf>
 - Pursuant to subsection D of Section 32.1-46 of the Code, documentation of immunizations is not required for any child whose parents 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
 - 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 MCH 213G contains a space for this statement.
 - 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:
 - Once every six months for children under the age of two years; and
 - Once between each child's fourth and sixth birthdays.
 - 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. 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.

- Information on various types of surfacing materials, can be found in the *Handbook for Public Playground Safety* prepared by the U.S. Consumer Product Safety Commission available at the following website: <http://www.cpsc.gov/PageFiles/122149/325.pdf>
- 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) is available at: https://www.dss.virginia.gov/family/cps/mandated_reporters/cws5692/index.html
- Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Commissioner. Serious injury reports must be submitted annually; death reports shall be submitted no later than one business day after the death occurred. VDSS has a serious injury reporting webpage <https://www.dss.virginia.gov/facility/iromt.cgi>

Does VDSS have any model forms that can be used?

The VDSS model forms are on the RECDC webpage. See website address below.

- **Public Disclosure Statement:** this model form addresses many reporting requirements for the RECDC: the RECDC is exempt, qualifications of personnel, description of physical facilities, enrollment capacity, food services, health requirements for staff, and public liability insurance.
- **Staff-Child Ratio Information Sheet:** this model form provides a clear easy way to outline age groups, ratios, and assigned staff.
- **Staff Health Report:** this model form can be used for a doctor to document that a staff free from any disability that would prevent her from supervising and caring for children.

Are there other resources for an RECDC to consult?

The Virginia Department of Social Services “Religiously Exempt Child Day Centers” webpage https://www.dss.virginia.gov/facility/child_care/unlicensed/recdc/index.cgi

VDSS Division of Licensing Programs regional licensing offices https://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/new_applicants/becoming_licensed/licensing_offices_contact_information.pdf