Child Care Regulations in Virginia

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Virginia, the Department of Social Services, Division of Licensing Programs, licenses child care centers and some family child care homes. Smaller family day homes may be voluntarily registered by agencies contracted by the department. In northern Virginia it is also common for local governments to have their own rules covering family child care homes that are not regulated by the state. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Virginia. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed
Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Virginia Department of Social Services, Division of Licensing Programs, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Virginia, the following forms of child care must be licensed:

- Child care centers. Full- or part-time care in a nonresidential setting for two or more children under 13 years old or for 13 or more children at any location. In Virginia, this includes preschools, nursery schools, and prekindergartens. Accredited preschools that meet certain criteria can go through a certification process instead of licensure.
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- **Family child care homes (licensed):** Full- or part-time care in a residence for between one and 12 children, excluding the provider’s own children and children who live in the home. Any home serving more than four children less than 2 years old must be licensed or voluntarily registered.

**Types of care that may be registered**
Registration is a form of regulatory activity that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities. In Virginia, the voluntary registration program is available to the family child care homes that are not required to be state licensed. Voluntary registration is not available in the cities of Alexandria and Fairfax, or in the counties of Arlington and Fairfax, or in any other city or county in which local ordinances provide for regulation or licensing of child care services for compensation.

In Virginia, family child care homes may be voluntarily registered but are legally exempt from regulation. These include homes providing full- or part-time care in geographic areas where local ordinances do not prohibit voluntary registration if fewer than six children, excluding the provider’s own children and children who live in the home, are in care.

More detailed information on child care centers, licensed family child care homes, and voluntarily registered family child care homes can be found later in this guide.

**Types of care that may operate without a license**
Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider’s background and experience before choosing this type of care.

In Virginia, the following forms of child care are exempt from licensing:
- Programs operated by religious organizations.
- Certified preschools that meet certain requirements.
- Certain summer day camps.
- Early-intervention programs that no child attends for more than six hours per week.
- Programs that only operate for a few weeks or a few days a year or that children attend for a limited number of hours per week.
- Practice or competition in organized competitive sports leagues.
- Certain programs where children are free to enter and leave the premises without permission or supervision. When children’s programs are run by public
elementary schools, the Department of Education is responsible for regulating them.

**Age-group definitions**
- **Infant**: child between birth and 16 months (15 months for family child care homes)
- **Toddler**: child between 16 months and 2 years
- **Preschooler**: child between 2 years and kindergarten-age, 5 years by September 30
- **School-age child**: child between kindergarten-age and 13 years

**Subsidized child care**
The Virginia Department of Social Services makes funds available to assist some families with child care payments. Funds are available through a voucher program for subsidized care by a legally operating child care provider. The amount of the payments depends on family size and income. Recipients must be working or in training for employment in order to qualify. Parents who meet income guidelines, and are employed in an approved education or training program or receiving child protective services, may qualify. Families who are eligible may receive assistance whether their child is in a family child care home or a child care center, as long as the type of care complies with state regulations. For further information about program availability and how to qualify, contact the Virginia Department of Social Services, Division of Family Services, 804-726-7638.

**Whom to contact**
The Virginia Department of Social Services, Division of Licensing Programs, has a toll-free information line for the public to obtain information, report concerns, receive lists of registered providers, receive information on becoming a licensed provider, learn about new legislation or rules, and receive tips on selecting and monitoring child care facilities. Toll-free information line: 800-543-7545, 804-726-7143 or in the Richmond area: 804-692-2394.

For more detailed information regarding child care regulations in Virginia, to obtain a copy of the state standards, or to report licensing violations, contact:

**Virginia Department of Social Services**
Division of Licensing Programs
Theatre Row Building
7 North Eighth Street
Richmond, Va. 23219
804-726-7143

[http://leg1.state.va.us/000/reg/TOC22015.HTM](http://leg1.state.va.us/000/reg/TOC22015.HTM)
**Child abuse reporting**
The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the local department of social services or to the Department of Social Services toll-free child abuse and neglect hotline at 800-552-7096.

**Child care centers**

**Licenses**
- Must be licensed and renewed every two years.
- Licenses must be posted.
- Must have public liability insurance for bodily injury minimum of $500,000 for each occurrence.

**State inspection**
- Inspection prior to license issuance.
- Unannounced inspection is made after a complaint.
- One announced and one unannounced inspection annually.

**Staff:child ratios**
- Birth to 16 months: one staff for up to four children (1:4)
- 16 to 23 months: one staff for up to five children (1:5)
- 2 years: one staff for up to eight children (1:8)
- 3 to 5 years, by September 30: one staff for up to ten children (1:10)
- 5 to 8 years: one staff for up to 18 children (1:18)
- 9 to 12 years: one staff for up to 20 children (1:20)

In mixed-age groups, staff:child ratio for the youngest child applies.

During naptime, staff:child ratio may be doubled, as long as at least one staff person is within sight and sound of the children, and all staff in the overall ratio are available in the building.

**Staff qualifications**

**Director**
- Must be at least 21 years old.
• Must have one of the following:
  - Bachelor’s degree in a child-related field, plus one year of experience
  - Graduate degree in a child-related field, plus six months of experience
  - Forty-eight hours of college credits in subjects relating to group care of children, plus one year of experience
  - Child Development Associate (CDA) credential, plus two years of experience
  - One-year early childhood certificate, plus two years of experience
  - Certification from an internationally recognized Montessori organization, plus two years of experience

Program leader
• Must be at least 18 years old to work directly with children
• Must meet one of the program director qualifications or have one of the following:
  - One-year early childhood certificate from a college that consists of at least 30 semester hours, plus three months of experience
  - CDA credential approved by the department, plus three months of experience
  - Teaching diploma from an internationally recognized Montessori organization, or six months of supervised programmatic experience
  - High school diploma or general equivalency diploma (GED), six months of experience, and 12 hours of department-approved training within one month after beginning work

Aide
• Must be at least 16 years old

Staff training
• All staff working with children must attend an orientation program.
• Must have ten hours of training annually.

CPR and first aid
• One person trained in CPR and first aid must be present at all times.

Staff medical requirements
• Must have a TB test at licensing and every two years thereafter.
• Immunizations are not required.
• Medical exam is required annually, certified by a practicing physician.
• AIDS test is not required.
• Drug and alcohol tests are not required.

**Staff background checks**
• Must have criminal check and child abuse clearance.
• Fingerprinting is not required.
• Must have two references.

**Discipline**
• Certain methods of discipline, including corporal punishment, are prohibited.

**Parents’ rights**
• Staff must share information about child.
• Must be provided with a copy of operating policies and procedures.
• May visit child at any time.
• Must be notified immediately of serious injury, illness, or accident requiring medical attention or if child is lost or missing.
• Must be notified same day of significant injury.

**Health and safety requirements**
• Must have a flashlight on each floor of each building.
• Must have a battery-powered radio.
• Must have a written, posted emergency plan, practiced monthly.
• Must have a working phone.
• Emergency numbers must be posted by the phone.
• Must cover electrical outlets.
• Hazardous or toxic materials must be stored in a locked area.
• Stairs must have handrails.
• Must have a certificate of occupancy.
• Must keep a list of people authorized to pick up children.
• Pets must be in good health and vaccinated against diseases that may be hazardous to children.
• Swimming pool must have a safety fence with a gate; must lock gate when pool is not in use.
• Smoking is prohibited in the presence of children.
**Care for sick children**
- Must have written consent to administer medications.
- Children who are ill must be excluded from care.
- Specialized centers for mildly ill children are licensed by the state.

**Child medical requirements**
- Health assessments and immunizations are required by the State Board of Health within 30 days of enrollment.

**Family day homes (licensed)**

**Licenses**
- Must be licensed and renewed between one and three years, depending on history of compliance.
- Licenses must be posted.
- Must have a business license in some locations.
- Liability insurance is not required.

**State inspection**
- Inspection before licensing is required.
- Unannounced inspection is made after a complaint.
- One announced and one unannounced inspection annually.

**Staff:child ratios**
- Birth to 15 months: one staff for up to four children (1:4)
- 16 months to 2 years: one staff for up to five children (1:5)
- 2 to 4 years: one staff for up to eight children (1:8)
- 5 to 9 years: one staff for up to 16 children (1:16)
  
  In a mixed-age group, each child of a certain age is assigned a number of points. One staff may care for a group up to 16 points:
  
  - Birth to 15 months: 4 points
  - 16 to 23 months: 3 points
  - 2 to 4 years: 2 points
  - 5 to 9 years: 1 point
• 10+ years: 0 points

Ratios include caregiver’s own children and resident children under 8 years old. Exceptions can exist during transitional periods.

**Maximum group size**
• Up to 12 children

**Staff qualifications**
• All staff, including substitutes, must speak, read, and write English well enough to carry out requirements.

**Provider**
• Must be at least 18 years old.
• If the provider does not live in the home, one of the children in care must live there.

**Assistant**
• Must be at least 14 years old to work directly with children.
• If under 18 years old, may not be left alone with children or administer medications.

**Substitute**
• Must have signed authorization from parent to care for child.
• Must be at least 18 years old and meet the same requirements as provider.

**Staff training**
• Must have six hours of training annually

**CPR and first aid**
• Certification is required within six months of licensure or employment; certification must be kept current.
• First-aid training must include rescue breathing and first aid for choking.

**Staff medical requirements**
• All staff and household members older than 18 years old must have a TB screening at licensing and every two years thereafter.
• Medical exam may be required at the request of the provider or the state if a problem is suspected.
• No immunization requirements.
Staff background checks
• All household members and staff 14 years old and older must have child abuse checks.
• All staff and adult household members must have criminal record checks.
• Provider must have three references.

Discipline
• Certain methods of discipline, including corporal punishment, are prohibited.

Parents’ rights
• Staff must have daily communication with parent.
• Must be provided with a copy of all operating policies and procedures.
• May visit child at any time.
• Must be notified immediately of injury, illness, or accident requiring medical attention, or if child is lost or missing.
• Must be notified same day of minor accident, injury, or illness.
• Must be notified of change of phone number within 24 hours.

Health and safety requirements
• Must comply with state fire and building codes for state-regulated care facilities.
• Must have a flashlight and a battery-powered radio.
• Must have a written, posted emergency plan, practiced monthly.
• Must have a working phone.
• Emergency numbers must be posted by the phone.
• Must cover electrical outlets.
• Windows must be screened.
• Hazardous or toxic materials must be stored in an area inaccessible to children.
• Stairs must have handrails and protective barriers at top and bottom.
• Firearms must be unloaded and stored apart from ammunition in a locked area inaccessible to children.
• Must comply with all local child care program ordinances.
• Must keep a list of people authorized to pick up children.
• Pets must be in good health and vaccinated against rabies.
• Children must be supervised when in contact with pets.
• Swimming pools must have safety fences with child-resistant gates.
• Smoking is prohibited in rooms accessible to children while children are in care.

Child medical requirements
• Health assessments and age-appropriate immunizations are required prior to or within 30 days after enrollment.

Care for sick children
• Children who have certain symptoms of illness must be excluded from care.
• Must have written parental consent to administer medications.

Family child care homes (voluntarily registered)

Registration
• Must be registered and renewed every two years.
• Certificate of registration must be posted.
• Liability insurance is not required.

State inspection
• Inspection before licensing at the time of renewal is required.
• The nature of a complaint determines if an additional inspection is conducted; inspection may be announced or unannounced.

Staff:child ratios
Voluntarily registered family child care homes utilize the point system. One staff may care for a group up to 16 points.

• Birth to 15 months old: 4 points
• 16 months old to 2 years old: 3 points
• 2 to 5 years old: 2 points
• 5 to 9 years old: 1 point
• 10 years old and older: 0 points

Points include caregiver’s children and resident children less than 8 years old. Point maximums for mixed-age groups or fixed ratios may be exceeded in one age group for no more than 30 days during transitional periods related to child turnover.
Maximum group size
• Up to five children at one time

Staff qualifications
• All staff, including substitutes, must speak, read, and write English well enough to carry out requirements.

Provider
• Must be at least 18 years old.
• If the provider does not live in the home, one of the children in care must live there.

Assistant
• Must be at least 14 years old to work directly with children.
• If under 18 years old, may not be left alone with children.

Substitute
• Must have signed authorization from parent to care for child.
• Must be at least 18 years old and meet the same requirements as the provider.

Staff training
• No requirements

CPR and first aid
• No requirements

Staff medical requirements
• All staff and household members older than 18 years old must have a TB screening at licensing.
• Medical exam may be required at the request of the provider or the state if a problem is suspected.
• No immunization requirements.

Staff background checks
• All staff and adult household members must have child abuse checks.
• All staff and adult household members 18 years old and older must have criminal record checks.

Discipline
• Certain methods of discipline, including corporal punishment, are prohibited.
Parents’ rights
• Must be provided with a copy of the “Information to Parents Statement.”
• May visit child at any time.
• Must be notified of the amount of time per week a substitute is used.

Health and safety requirements
• Must comply with state fire and building codes for state-regulated care facilities.
• Must have a flashlight and a first-aid kit.
• Must have a written, posted emergency plan, practiced monthly.
• Home must be in good repair, with no open or obvious hazards.
• Must have a working phone.
• Emergency numbers must be posted by the phone.
• Must cover electrical outlets.
• Windows must be screened.
• Hazardous or toxic materials must be stored in an area inaccessible to children.
• Stairs must have handrails and protective barriers.
• Must keep exits free of obstruction and well-lit.
• Firearms must be unloaded and stored apart from ammunition in a locked area.
• Must comply with all local child care program ordinances.
• Outdoor play area must be free of obvious hazards.
• Fencing or other protective barriers are required when a play area is next to a body of water or a busy street.
• Rooms used by children must be dry, well-lit, and at least 68 degrees during the heating season.
• Must keep a list of people authorized to pick up children.
• Must keep phone numbers of emergency contact persons.
• Pets must be in good health, vaccinated against rabies, and kept away from food preparation areas.
• Smoking is prohibited in rooms accessible to children while children are in care.
Child medical requirements
• Must have record of a health exam and age-appropriate immunizations.
• Must have written parental consent to administer medications.

Care for sick children
• Provider sets procedures for the care of sick children in registered homes.