

Child Care Regulations in West Virginia

Overview

A summary of child care regulations in West Virginia.

- Types of care that must be licensed
- Types of care that must be registered or certified
- Types of care that may operate without a license, registration, or certification
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Family child care facilities
- Family child care homes
- Informal family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In West Virginia, the Department of Health and Human Resources licenses child care centers, certifies group family child care homes, and registers family child care homes if they receive public funding. 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 West 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 West Virginia Department of Health and Human Resources is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

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

- *Child care centers.* Full- or part-time care operating for more than four hours per day in a nonresidential setting for 13 or more children. In West Virginia, this includes nursery schools, preschools, and prekindergartens.

Types of care that must be registered or certified

Registration is a form of regulatory activity that emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

Certification requires prior approval by on-site inspection and does not use self-inspection.

In West Virginia, the following form of child care must be certified:

- *Family child care facilities.* Full- or part-time care in a residence for between seven and 12 children, including children living in the household who are under 6 years old, with no more than four children under 2 years old.

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

- *Family child care homes.* Full- or part-time care in a residence for between four and six children, including the provider's own, with no more than two children under 2 years old.
- *Family child care homes (publicly funded).* Full- or part-time care in a residence for between one and three children.
- *Informal family child care homes.* Care for three or fewer children; at least one child is not related to the caregiver.
- *Relative family child care homes.* Care only for children related to the caregiver; the caregiver must be a relative.

More detailed information about child care centers, family child care facilities, and family child care homes may be found later in this guide.

Types of care that may operate without a license, registration, or certification

Some types of child care are not required to be licensed, registered, or certified 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.

When children's programs are run by private or public elementary schools, the Department of Education is responsible for regulating them. Other government agencies that run children's programs also do their own regulating.

Age-group definitions

- *Infant:* child between birth and 1 year
- *Toddler:* child between 1 and 2 years
- *Preschooler:* child between 2 and 5 years
- *School-age:* child 5 years and older

Subsidized child care

The Division of Early Care and Education manages a statewide system of Child Care Resource and Referral agencies, which provide resource information and financial assistance to eligible families. Financial assistance covers the majority of the cost of direct care and protection of children while parents work, attend training, or are otherwise unable to provide care. The agencies also educate consumers on selecting appropriate child care and refer parents to providers in their area. Families are eligible for financial assistance if their monthly gross income (before taxes and deductions) falls below 150 percent of FY 2000 Federal Poverty Level. Once eligible, the family may continue to receive certificates until income exceeds 185 percent of FY 2000 Federal Poverty Level. Income is adjusted for family size; most families pay a portion of the cost of care. For further information about program availability and how to qualify, call 304-558-2993 or go to www.wvdhhr.org/bcf/ece/earlycare.

Whom to contact

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

West Virginia Department of Health and Human Resources Bureau for Children and Families (Child Care Centers)

P.O. Box 1877

Clarksburg, WV 26301

304-627-2117

www.wvdhhr.org/bcf/ece/earlycare/regs.asp

www.wvdhhr.org/bcf/ece

West Virginia Department of Health and Human Resources Office of Social Services (Family Child Care Homes)

350 Capital Street, Room 691

Charleston, WV 25301

304-558-7980

www.wvdhhr.org/bcf

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, call the Department of Health and Human Resources at 800-352-6513.

Child care centers

Types of child care centers

- *Type I*: child care center with a capacity of 30 or fewer children

4 • Child Care Regulations in West Virginia

- *Type II*: child care center with a capacity of 31 to 60 children
- *Type III*: child care center with a capacity of 61 or more children

Licenses

- Must be licensed and renewed every two years.
- License must be posted.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Inspection is required prior to licensing.
- Unannounced inspection is made once annually and after a complaint.

Staff:child ratios

- 3 months to 2 years: one staff for up to four children (1:4)
- 2 to 3 years: one staff for up to eight children (1:8)
- 3 to 4 years: one staff for up to 10 children (1:10)
- 4 to 5 years: one staff for up to 12 children (1:12)
- 5 to 6 years: one staff for up to 15 children (1:12)
- 6+ years: one staff for up to 16 children (1:16)

Two staff must be in the center whenever children are present.

Maximum group size

- 6 weeks to 1 year: 8
- 1 to 2 years: 12
- 2 years: 16
- 3 years: 20
- 4 to 5 years: 24
- School-age: 32

Staff qualifications

Director, assistant director, lead teacher

- Must be at least 21 years old.

5 • Child Care Regulations in West Virginia

- Depending on the type of center, the minimum requirement for the director ranges from a Child Development Associate (CDA) credential and 300 hours of relevant work experience up to an associate's degree in Early Care and Education.
- If the director does not meet the experience requirement, another person who does may be hired.

Teacher

- Full-time staff and all teachers must be at least 18 years old.
- Must have a minimum of one year of relevant work experience and one of the following:
 - West Virginia Training Certificate in Early Care and Education
 - CDA credential and 300 hours of relevant work experience
 - Two years of relevant work experience
- Part-time staff must be at least 16 years old.
- Staff under 18 years old must be supervised.
- Staff must be able to read and write.

Staff training

- Training is required at least twice annually.
- Training on child care licensing standards, abuse reporting, providing nutritious meals, and specific disabilities is required.
- Minimum of 40 hours of pre- and in-service training are required for infant care.

CPR and first aid

- One person trained in CPR must be present at all times.
- All staff must have CPR and eight hours of training in first aid, illness and symptom observation, and evaluation and oral hygiene concepts.

Staff medical requirements

- Prior to employment, must have a physical exam (health assessment update every two years) and TB test or chest X ray (updated every year).
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- State criminal background checks and child abuse checks are required.
- Federal checks conducted on staff who have lived outside the state for the last five years.
- Fingerprinting is required.
- Written references are required, including three for the director and two for other staff members.

Discipline

- Must have a written policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- May visit at any time
- Must visit prior to enrollment of child
- Must receive a copy of operating policies
- Must have a plan for parent involvement
- Must be notified immediately of illness, injury, or accident involving the child

Health and safety requirements

- Child must be signed in and out of the center.
- Must have written authorization to release the child to an adult other than the parent.
- Must hold two fire drills per month.
- Must post an emergency evacuation plan.
- Hazardous or toxic materials must be inaccessible to children.
- Must cover electrical outlets.
- Must have one first-aid kit for every 20 children.
- Paint must not contain lead.
- Swimming pools must be surrounded by a fence with a locked gate; must cover pools when not in use.
- Smoking is not prohibited by regulation.

Child medical requirements

- Must have a physical exam prior to admission

- Must have all age-appropriate immunizations
- Must have written permission from the parent and licensed health care provider to administer medications

Care for sick children

- Children who become ill are to be isolated and supervised, and parents must be notified at once.
- Children with a mild illness may receive child care unless illness prevents child from participating in routine activities.
- Children with communicable diseases must be excluded.

Family child care facilities

Certification

- Must be certified and renewed every two years.
- Certification must be posted.
- General liability insurance is required.

State inspection

- Inspection is required prior to certification, at least once every two years, and after a complaint.

Staff:child ratios

- One staff for up to six children (1:6)

Maximum group size

- May care for up to 12 children, including the provider's own children under 6 years old.
- No more than four children may be under 2 years old, including the provider's own children.

Staff qualifications

Provider

- Must be at least 21 years old.
- Must have a high school diploma or a general equivalency diploma (GED), and six months of experience.

- Must have 10 clock hours of child development training within the first six months, a CDA credential, or three college level credits in a child-related area, or have completed the Child Care Apprenticeship Program.
- Must reside in the home.
- Must be certified in pediatric first aid.

Assistant

- Paid staff must be at least 18 years old.

Volunteer

- Must be at least 16 years old.
- Staff under 18 years old must be supervised.
- Staff must be able to read and write.
- Must have an available substitute.

Staff training

- Must have eight hours of training annually.

CPR and first aid

- Health and safety training is required annually.
- CPR and first-aid training are required.

Staff medical requirements

- Must have a physical exam and a TB test prior to registration and every two years.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- State criminal background checks are required for all staff and adult household members.
- Local child abuse records are checked for providers and other family members.
- Fingerprinting is required.
- Two references are required.

Discipline

- Must have a written policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- May visit at any time
- Must receive a copy of operating policies
- Must be notified immediately of illness, injury, or accident involving the child
- Must be notified of exposure to communicable disease
- Must be informed if substitute is to be used

Health and safety requirements

- Must have written authorization to release the child to an adult other than the parent; the authorization must be updated annually.
- Must hold fire drills monthly.
- Must have a posted emergency evacuation plan.
- Hazardous or toxic materials must be inaccessible to children.
- Stairs must have handrails and safety gates.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Must meet all rules of the state fire commission.
- Must cover all electrical outlets.
- Must have a first-aid kit.
- Pets must be healthy, friendly, and vaccinated.
- Outdoor play area must be surrounded by a fence at least 3 feet high or natural barriers when play areas provide access to unsafe areas.
- Swimming pools must be surrounded by a fence with a locked gate and covered when not in use.
- Smoking is prohibited in children's living and activity area.

Child medical requirements

- Must have all age-appropriate immunizations.

- Children 6 years and under must have physical exam six months prior to admission or within one month of admission.
- Must have written permission from the parent to administer medications.

Care for sick children

- Children who become ill are to be isolated and supervised, and parents must be notified at once.
- Children with a mild illness may receive child care.
- Children with communicable diseases are excluded.

Family child care homes

Registration

- Must be registered and renewed every two years.
- Registration must be displayed upon request.
- General liability insurance is not required.
- Cannot operate more than 18 hours in a 24-hour period.

State inspection

- Registration is a self-certification process and does not require an on-site inspection prior to approval.
- All subsidized homes are inspected within 60 days of start date and annually.
- Five percent of unsubsidized homes are inspected annually.

Staff:child ratios

- 6 weeks to 2 years: one staff for up to two children (1:2)
- Other: one staff for up to six children (1:6)

Maximum group size

- Up to six children.
- No more than two children may be under 2 years old, including the provider's own children.

Staff qualifications

Provider

- Must be at least 18 years old.

- Must reside in the home.

Assistant

- One person with the ability to read and write must be present.

Substitute

- Must be at least 18 years old.

Staff training

- Provider must complete eight hours of approved training annually:
 - Two hours of health and safety training
 - Six hours of training in at least three other core competency areas

CPR and first aid

- Basic first-aid training is required.

Staff medical requirements

- Must have a physical exam and a TB test prior to registration and every two years.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- State criminal background checks are required for all staff and adult household members.
- Local child abuse records are checked for providers and other family members.
- Fingerprinting is required.

Discipline

- Must discuss policy with parents.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- May visit at any time
- Must be notified immediately of illness, injury, or accident involving the child
- Must be notified of communicable disease
- Must be informed if substitute is to be used

Health and safety requirements

- Must have written authorization to release the child to an adult other than the parent; the authorization must be updated annually.
- Must hold fire drills monthly.
- Must have a posted emergency evacuation plan.
- Rooms used by children, except bathrooms, must have two exits.
- Hazardous or toxic materials must be inaccessible to children.
- Stairs must have handrails and safety gates.
- Must have a working phone or access to one within 10 minutes.
- Emergency numbers must be posted.
- Must cover electrical outlets.
- Must have a first-aid kit, a fire extinguisher, and a flashlight.
- Must have a digital carbon monoxide detector.
- Must have at least one smoke detector on each level.
- Pets must be healthy, friendly, and vaccinated.
- Swimming pools must be surrounded by a fence with a locked gate and must be covered when not in use.
- Smoking is prohibited in children's living and activity areas.

Child medical requirements

- Children six years old and under must have a physical exam six months prior to or within one month of admission.
- Must have all age-appropriate immunizations.
- Must have written permission from the parent to administer medications.
- Medical exam records must be updated annually.

Care for sick children

- Children who become ill are to be isolated and supervised, and parents must be notified at once.
- Children with a mild illness may receive child care.
- Children with communicable diseases are excluded.

Informal family child care homes

Registration

- An informal or relative child care home shall be registered and only one caregiver per residence.
- An informal or relative child care home shall be located in the residence of the caregiver.

State inspection

- Certificate of registration is valid for up to 2 years.
- Inspections may be conducted with or without notice.

Staff: child ratios

- One staff for up to three children (1:3)

Maximum group size

- No more than three children under 13 years, which includes children, under the age of 6 years, who live at the home

Staff qualifications

Provider

- Must be 18 years old and be able to read and write, or have another adult in residence who can read and write

Staff training

- Two hours of approved health safety training within 30 days of issuance of child care registration.
- If any child in care is under 13 months, then a SIDS self-study with accompanied training must take place within 60 days of issuance of child care registration.

First aid

- First-aid supplies must be available in a portable container, and out of the reach of any child.

Staff medical requirements

- Statement of good health from a physician within six months of issuance of child care registration.

Staff background checks

- The caregiver will sign a statement of criminal record, as well as consent to allow the department to check for child or adult abuse.

Discipline

- Corporal punishment, mechanical restraints, and emotional or threatening types of punishment are prohibited, even if the parents give permission for their use.

Parents' rights

- Parents will give written permission for all water activities.
- Parental permission forms must be on file for emergency medical treatment; the emergency consent form must be notarized.
- Parents have a right to view the certificate of registration upon request.

Health and safety requirements

- Must have working heat, electricity, indoor plumbing, cook stove, refrigerator, and access to a working telephone.
- Must have safety gates at the top and bottom of stairs with children under 24 months old.
- Hazardous materials must be kept out of the reach of children under 6 years old and must be stored separately from food items.
- Firearms and ammunition must be kept in a locked closet. No reference to keeping the firearms and ammunition separate.
- Must have a digital carbon monoxide detector and an oxygen depletion sensor for any heater.
- Must have vaccination records for cats and dogs.
- Any birds, ferrets, reptiles, or wild animals must be kept in an area inaccessible to children.
- Must have protective covers on all electrical outlets; electrical cords must be maintained in good condition.
- Must have at least one smoke detector on each level.
- Must have an ABC fire extinguisher in the home.
- Caregiver will wash hands with soap and water for at least 10 seconds anytime they are soiled, before preparing food, after handling toileting or diapering, and after contact with animals.
- Must maintain general cleanliness, including proper containment of garbage, and must have residence free of rodent and insect infestation.
- Children shall have meals and snacks according to the guidelines of the U.S. Department of Agriculture.

- All pools and hot tubs must be made inaccessible to children.
- The provider must be physically present to supervise children during any water activity.
- Emergency information must be posted near the telephone, including the police, fire department, and parents' home and work numbers.
- Must have an evacuation plan, including primary and secondary exits.
- A daily routine will be in practice; no written plan is required.
- No child under 13 months old is permitted to sleep on any type of adult bed or sofa.
- Provider must visually observe any child in cribs or playpens every 15 minutes.
- Any equipment, including high chairs and play toys, must be maintained in good working condition.
- Must have an agreed training schedule for toilet training between the parent and the provider, as well as a sufficient quantity of diapers available for the children.

Transportation

- Transportation will be provided by someone with a valid driver's license.
- Children must be secured in approved safety seats or restraints.

Child medical requirements

- Must have health examinations and immunizations record on file for each child (60 days prior to, or within one month of admission to the home)