

REQUIREMENTS FOR RELIGIOUSLY EXEMPT CHILD DAY CENTERS (RECDC)

Code of Virginia § 22.1-289.031 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 Education (VDOE) prior to opening and annually thereafter.

In order for the center to be considered under the auspices of the religious institution, the religious institution must be offering the child day center protection, support, patronage, guidance, or aid.

WHAT IS A RELIGIOUS INSTITUTION?

Religious institutions include:

- A church, synagogue, mosque
- An organization that is related to a church, convention or association of churches (an integrated auxiliary of a church)
- A school that has devotion to religious principles or the teaching of religion as an organizational goal

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 REQUIREMENTS MUST RECDCs MEET UNDER CODE OF VIRGINIA § 22.1-289.031?

- The RECDC must disclose to parents in writing the fact that it is religiously exempt from licensure. This may be accomplished in a number of ways, including but not limited to:
 - Including this information in the center handbook;
 - Notifying parents via enrollment letter; or

- Posting a statement in an area of the facility that is 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 may consider posting the “Public Disclosure Statement” model form or a copy of the exemption letter issued by the Office of Child Care Health and Safety after exemption documentation is complete and processed.
- The RECDC must also disclose to parents in writing a description of the staff job qualifications, such as certain academic training, work experience, or personal attributes. These qualifications are set 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 staff-to-child ratios.

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 is used to determine the staff-to-children ratio that applies to that group.
- Staff are 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 is required to be present with the children under supervision.
- In each grouping of children, at least one adult staff member must be regularly present.
- Staff members must be at least 16 years of age.
- Staff members under 18 years of age must be under the supervision of an adult staff member.
- Adult staff members may not supervise more than two staff members under 18 years of age at any given time.
- Prior to providing supervision to children and annually thereafter, each person in a supervisory position must be certified by a practicing physician or physician assistant to be free from any disability that would prevent them from caring for children under their supervision. Staff can use the “Staff Health Report” model form or its equivalent.

- The RECDC must meet background check requirements under [§ 22.1-289.039](#) for all applicants for employment, employees, volunteers, or any other person who is alone with children enrolled at the RECDC.
- Employees and volunteers must report suspected cases of child abuse and neglect under [§ 63.2-1509](#).
- If transporting children:
 - 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 under Section 46.2-705 of the Code.
 - Proper restraint devices must be provided on vehicles used to transport children per Section 46.2-1095.
- 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 by completing the "Public Disclosure Statement" model form or its equivalent:
 - Physical facilities
 - Enrollment capacity
 - Food services
 - Health requirements for the staff
 - Public liability insurance
- The individual seeking to operate the child day center is not currently ineligible to operate another child day program 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 day program.
- 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](#).
- 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.
 - 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.
 - 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](#).
- 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 is available through the [Virginia Department of Social Services](#) or [Community College Workforce Alliance](#).
- Ensuring that all incidents involving serious physical injury to or death of children attending the child day center are reported to the Department of Education. Serious injury reports must be submitted annually; death reports shall be submitted no later than one business day after the death occurred. Reports may be submitted at www.childcareva.com.

ARE THERE OTHER REQUIREMENTS RECDCs MUST MEET UNDER THE CODE OF VIRGINIA?

Yes, in addition to § 22.1-289.031 and any sections referenced within that section of the Code, RECDC programs must adhere to the following sections:

- [Section 22.1-289.06](#) of the Code: RECDC programs must ensure that records and information concerning services to or on behalf of individuals shall be confidential.
- [Section 22.1-289.044](#) of the Code: RECDC programs shall not retaliate or discriminate in any manner against a person who in good faith complains or provides information to, or otherwise cooperates with, the Department or any other agency of government or any person or entity operating under contract with an agency of government having responsibility for protecting the rights of children in child day programs.
- [Section 22.1-289.045](#) of the Code: RECDC programs shall not retaliate in any manner against any person who in good faith reports child abuse or neglect.
- [Section 22.1-289.049](#) of the Code: RECDC programs shall require that the person enrolling a child in the program present proof of the child's identity and age, and provide information regarding previous child day care and schools attended by the child. If the parent, guardian, or other person enrolling the child in the program does not provide the information within seven business days of initial attendance, the program shall immediately notify the local law-enforcement agency in its jurisdiction of the failure to provide the requested information.
- [Section 22.1-289.054](#) of the Code: RECDC programs shall ensure that a custodial parent or guardian is admitted to the program while the child is in the child day program.
- [Section 22.1-289.057](#) of the Code: RECDC programs serving preschool-age children must develop and implement a plan to test potable water from high priority sources including drinking fountains, kitchen taps, classroom combination sinks, and sinks known to be or visibly used for human consumption. Pursuant to § [32.1-167](#) of the Code, human consumption “means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene.” Programs must submit the plan and results of each test must be submitted to Virginia Department of Health's Office of Drinking Water (VDH ODW). Best practice is to test every water faucet, but minimally two faucets must be tested. If the results of any test indicate a level of lead at or above 15 parts per billion, the program must remediate and retest, submitting the results to VDH ODW.

- [Section 22.1-289.058](#) of the Code: RECDC programs serving preschool-age children shall be equipped with at least one carbon monoxide detector in each building built before 2015 that houses the child day program.
- [Section 54.1-3408 O](#) of the Code: RECDC programs may administer prescription medication to a child in care provided the administering staff (a) has satisfactorily completed medication administration training (MAT); (b) has obtained written authorization from a parent or guardian; (c) administers medication only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.