



Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40 –121.
Regulation title	Standards for Licensed Family Day Systems
Action title	New Regulation
Document preparation date	Enter date this form is uploaded on the Town Hall

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

This is a joint action to repeal the Minimum Standards for Licensed Family Day-Care Systems, 22 VAC 40-120, and replace it with a new regulation, Standards for Licensed Family Day-Care Systems, 22 VAC 40-121. Procedural information included in the current regulation is now covered in another regulation. The text is reorganized and reworded for clarity. Requirements based on changes in the *Code of Virginia* are incorporated. New requirements that increase protection to children are added. Broad topic areas covered include services to children and their families, services to member homes, qualifications and requirements for system staff and system organization and administration.

Basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Sections 63.2-217, 63.2-1701 and 63.2-1734 of the *Code of Virginia* provide the legal authority for the Department of Social Services to promulgate this regulation. The *Code of Virginia* mandates the licensure of family day systems by the Commissioner of Social Services. The State Board of Social Services is mandated to promulgate regulations for the activities, services, and facilities of family day systems and their member homes to ensure that they are conducive to the welfare of children in care.

The above-referenced sections of the *Code of Virginia* may be found at <http://leg1.state.va.us>.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

The regulation is essential to ensure that the activities, services and facilities governed by the regulation are conducive to the health; safety and welfare of children, and that children in these homes that are not licensed by the state receive at least equal protection. The proposed action replaces the current regulation, last revised in 1984, with updated language and additional protections for children in care. The *Code of Virginia* gives individuals or agencies choosing to operate a Family Day System authority to approve family day homes for a number of children that, without system approval, would be subject to licensure by the state. The *Code* also grants authority for systems to refer children to its approved family day homes.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

Definitions and names are updated to reflect current statutory language, including family day system, to replace family day-care system, and family day homes, to replace family day care homes.

The following changes in the proposed regulation are mandated by the *Code of Virginia*:

- The added requirement that prohibits false or misleading advertising;

- The added requirement to secure documentation that establishes a child’s age and identity, and the last day care or school attended; and
- The requirement for compliance with the provisions of the law related to background checks and the current regulation for background checks.

The following terms are added and defined: “adult,” “assistant,” “caregiver,” “child day program,” “good character and reputation,” “parent,” “programmatic experience,” “regional/area licensing office,” “serious injury,” and “substitute provider.”

Requirements are added in a section titled *Reporting Requirements*, including, but not limited to, the following:

- The toll-free number for the Child Abuse and Neglect Hotline;
- Immediate notification of the department of any danger or hazard that threatens the health and safety of children in a member home;
- Notification of the department of a serious injury to a child, a lost or missing child, death of a child, or damage to the system’s office that affects the operation of the system; and
- Quarterly submission to the licensing office of a current directory of member homes.

New sections are added regarding public access to records and confidentiality.

The number of homes for which a full-time home visitation staff member is responsible will increase to 40 over a four-year period.

Added to the section on orientation of newly employed system staff is the requirement for training in recognizing and reporting child abuse and neglect.

Ongoing training is newly required for system staff, to be provided by trainers who meet qualifications that are specified in the regulation.

In the section titled *Services to Member Homes*, qualifications have been added for providers wishing to be approved as members of the system that mirror the requirements for licensed family day home providers, including, but not limited to:

- Entry-level educational and experience requirements;
- Attributes, including the ability to speak, read and write in English sufficient to meet the requirements of the standards, the ability to provide daily activities and experiences that reflect the familial, cultural and ethnic diversity of enrolled children, and the ability to understand instructions on prescription and nonprescription medicines;
- The expectation for compliance with the requirements of the *Code of Virginia* and the current regulation regarding background checks;
- Based on guidance from the Virginia Department of Health, use of risk assessment as evidence of absence of symptoms of active tuberculosis infection or disease, in addition to the Tuberculin Skin Test;
- Certification in first aid and CPR prior to approval as a member home or employment in a member home;

- Requirements for child-to-staff ratios, maintenance of the home and yard, care of children, nutrition and food service, emergency preparedness and water safety procedures, and discipline practices and procedures that meet, at minimum, the requirements for Licensed Family Day Homes;
- Orientation to Standards for Licensed Family Day Homes, system standards, confidentiality requirements, and child abuse and neglect reporting requirements prior to approval as a member home; and
- A minimum of 12 clock hours of training annually.

Proposed additions to the section titled *Services to Children and Families* include the following:

- Information on parents' place of employment;
- Emergency contact information;
- Information on the parent's hospitalization or medical assistance plan; and
- Immunization records on file by the first day of a child's attendance.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

A key advantage to the public is the inclusion of requirements for release of information about system homes to the public. This addition allows consumers to make more informed choices in selecting day care providers, and is consistent with the requirements for release of information in other regulated family day programs. Requirements are also included, however, that assure that certain information is not released, which serves to protect children and families involved in complaint investigations and other investigations where violations of the requirements may be found.

The addition of requirements for immediate notification of the department when hazardous conditions exist in a member home allows the department to take immediate action to oversee and protect children in care, by either assuring immediate abatement of the hazard or removal of children from the situation.

Additional emergency contact information allows providers to take appropriate action and action agreed upon with parents, in the event of an emergency.

For system operators, the increased costs associated with some of the requirements may be viewed as a disadvantage.

This regulatory action poses no disadvantages to the Commonwealth or the public.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Implementation of the regulation will not result in any significant increased cost to the state. Licensing staff with responsibility for implementation and enforcement are currently in place.
Projected cost of the regulation on localities	Implementation of the regulation will have no cost impact on localities.
Description of the individuals, businesses or other entities likely to be affected by the regulation	Persons who approve family day homes as members of their system and who refer children to available family day homes in the system will be affected by this regulation.
Agency’s best estimate of the number of such entities that will be affected	There are currently 2 licensed family day systems with a combined total of approximately 300 member homes.
Projected cost of the regulation for affected individuals, businesses, or other entities	Costs to system operators and member homes are described below.

Public review of documents

The addition of requirements for release of information to the public may result in additional costs to the system. The system may either collect in advance or recoup copying cost. There are no provisions, however, for covering the cost of staff time spent in preparing documents for release.

Quarterly submission of directories

The system would be required to submit current directories of member homes to the appropriate licensing office on a quarterly basis. The cost associated with this requirement is offset by elimination of the requirement that directories be submitted with each renewal application and the requirement for submission of individual provider approval notifications as they are issued.

Training for system staff and providers

The addition of training requirements for system staff and the increased training hours for providers on an annual basis could result in increased costs for both the system and providers. The costs could vary, depending on the source of the training and the number of hours for each session. The fee for a three or four hour course provided by the department is \$10. A six hour course is \$20. The department offers training in from 20 to 30 topics annually and plans to expand its offerings over the coming year.

Providers will incur an additional cost to obtain certification in first aid and CPR. Certification in first aid from the American Red Cross costs \$42. This certification is good for three years. CPR certification must be renewed annually, at a cost of \$50 from the American Red Cross. The standard, however, allows for certification through other organizations, which may offer the certification for less.

Tuberculosis screening for all adult household members

Household members who may have been exempt from the requirement for TB screening based on lack of contact with children would be newly subject effective with this regulation. The cost of TB screening varies depending on the type of screening and whether it is obtained from a local health department or a private physician.

Compliance with requirements for Licensed Family Day Homes

Included in the requirements for Licensed Family Day Homes are requirements for enclosure of yards with fences or hedges where hazards exist, indoor square footage requirements, requirements for resilient surfacing under certain pieces of play equipment, and the requirement for a water safety instructor where pools, lakes or other swimming areas more than two feet deep are used.

The costs associated with enclosure of the yard, if required, will vary depending on the size of the yard and the type of barrier erected. Implementation of square footage requirements may reduce the number of children in care, which could result in a reduction of income to the provider who is operating below the proposed minimum.

Resilient surfacing under play equipment may result in increased expenditures for providers who have qualifying equipment and who are not already in compliance. The cost will vary depending on the dimensions of the equipment and the surfacing materials used. Providers are not, however, required to have play equipment of the type that would require resilient surfacing.

Providers with pools over two feet deep who are not certified water safety instructors would have to secure the training or provide staff who are certified. The number of member home providers with pools is unknown.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The *Code of Virginia* requires adoption of regulations for licensed family day systems. There have been no revisions to this regulation since 1984. In developing the regulation, consideration was given to the necessity, the enforceability, reasonableness and cost impact of the regulation. The proposed regulation reflects the least burdensome or intrusive alternative.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

No comments were received following publication of the NOIRA.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

This regulation has no adverse impact on the family. The regulation recognizes and supports the family by establishing requirements that assure that families in need of child care receive services in a setting that is safe and healthy for children.

Family day systems provide yet another option for parents needing day care. In choosing to use the services of a system, parents are assured that member homes are monitored at least quarterly against criteria that meet and may exceed state standards. Family day home providers who become members of the system do so by choice. Member homes benefit from opportunities for interaction, networking, training, backup care and other services the system offers. The result is dependable care that supports the family.

The cost of the services of a family day system varies depending on a number of factors, not the least of which is economic conditions in the areas where the services are provided. Disposable income may or may not be affected. A reduction in disposable income may not be viewed as a negative when parents receive, in exchange, safe, dependable child care.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

The name of the operation is changed to family day system, in order to be consistent with language in Chapter 63.2 of the *Code of Virginia*. Family day-care home is also changed to family day home.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
22 VAC 40-120-10 A Legal Base		Sets out statutory base authorizing the Department of Social Services to license family day-care systems and the State Board of Social Services' responsibility to develop standards and requirements. Spells out penalty for operating a family day-care system without a license.	Section deleted. Programs are now referred to as "family day systems", in accordance with language in statute. Legal base and Board's authority will be addressed in a "Forward" to regulation.
22 VAC 40-120-10 B Definitions	22 VAC 40-121-10 Definitions		The following terms are added and defined in order to clarify their use in the body of the regulation: "Adult" means an individual 18 years of age or older; "Assistant" means an individual who is 14 years of age or older and who, under the direct supervision of the provider or substitute provider, provides care, protection, supervision and guidance to children in the member home; "Caregiver" means the provider, substitute provider or assistant; "Child day program" means a regularly operating service arrangement for children where, during the absence of a parent, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period; "Good character and reputation"

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			<p>means knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships that are characterized by honesty, fairness and truthfulness, and (ii) demonstrates a concern for the well-being of others to the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage, and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references;</p> <p>“Parent” means the biological, foster or adoptive parent, legal guardian, or any individual with legal custody of a child enrolled or in the process of being admitted to a family day system home;</p> <p>“Programmatic experience” means time spent working directly with non-related children in a group. Work time shall be computed on the basis of full-time work experience during the period prescribed or equivalent work time over a longer period of time. Experience settings may include but not be limited to a child day program, family day home, child day center, boys and girls club, field placement, elementary school, or a faith-based organization;</p> <p>“Licensing office” means the office of the Virginia Department of Social Services from which</p>

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			<p>the family day system’s license to operate was issued; “Serious injury” means a wound or other specific damage to the body such as, but not limited to: unconsciousness; broken bones; dislocation; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice; “Substitute provider” means an individual 18 years of age or older who meets the qualifications for a provider, is designated by the provider and approved by the system, and who is readily available to provide substitute child care in the member home.</p> <p>The following words and their definitions are deleted: “abused or neglected child,” “day-care,” “day-care provider,” and “sponsor.”</p> <p>The following words and their definitions are changed: “Family day-care system” is changed to “family day system” throughout; “Family day-care system home” is changed to “family day system home” or “member home” and means any family day home that is an approved member of a family day system where care is provided for one to 12 children under the age of 13 exclusive of the provider’s own children and any children who reside in the home. Family day homes that are members of a licensed family</p>

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			<p>day system and are approved by that system to care for six to twelve children are, by law, not subject to direct licensure by the department;</p> <p>“Commissioner” is changed to delete the reference to “also known as the Director of the Virginia Department of Social Services;”</p> <p>“Complaint” is changed to replace “family day-care system” with “family day system;”</p> <p>“Licensee” is changed from “any person, association, partnership or corporation to whom the license is issued” to “the person or persons to whom the license is issued;”</p> <p>“Person” has been changed to delete the exclusion of public agencies.</p>
<p>22 VAC 40-120-10 C and D</p>		<p>These requirements include information about the types, terms and duration of licenses, the licensing process, early compliance and modification of licenses, the system and department’s responsibilities in complaint investigations, revocation and denial of licenses and appeals.</p>	<p>This information is deleted. It is included in the regulation, General Procedures and Information for Licensure.</p>
<p>22 VAC 120-20 A</p>	<p>22 VAC 121-20 A</p>		<p>Adds language that the system must have a clearly identified sponsor. Rewords requirements for who serves as the licensee based on various sponsorship</p>

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			types, for clarity. Governing board continues to be required for unincorporated associations and corporations.
22 VAC 40-120-20 B Governing Board		Establishes minimum size and duties of the governing boards, specifies what administrative positions the board must have, meeting frequency; requirements for submission of minutes to the department; requirements for personnel evaluations	Requirements deleted. Not required in regulations for other programs.
	22 VAC 40-121-30 . Operational Responsibilities		Consolidates the duties and responsibilities of the licensee into a single section, regardless of sponsorship type.
22 VAC 40-120-20-C Goals		Requires system to establish written goals that reflect the systems philosophy and objectives, to include purpose, population served; program offered, services to member homes and to families and children.	Reference to goals is deleted. The proposed language requires systems to develop written program descriptions, addressing mission and organizational structure (22 VAC 40-121-30 A).
	22 VAC 40-121-30 A		Newly requires the written program description be made available to prospective member homes, parents and the general public.
22 VAC 40-120-20- C-2, Policies and procedures,	22 VAC 40-121-30 B	Requires development of policies and procedures for operation of the	Lists the operational policies and procedures that must be developed in a single section within the regulation.

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and 22 VAC 40-120-40, Services to member homes		system, to include personnel policies, criteria for approving homes, training of providers, inspection, monitoring and supervision, technical assistance and monitoring.	Newly adds to operational procedures to be developed, procedures for complaint investigations and for notifying parents when a member home closes or when a member home has been suspended or terminated. The latter assures parents are informed of suspensions and terminations.
	22 VAC 40-121-30 E		Newly added is the requirement that prohibits licensees from using deceptive or misleading advertising, in accordance with § 63.2-1713 of the <i>Code of Virginia</i> . This requirement was added to the law in 1993, after the effective date of the family day-care system regulation.
	22 VAC 40-121-80 E		The toll-free number for the Child Abuse and Neglect Hotline is added. The requirement for reporting suspected child abuse to the local department of social services is included in the current regulation, but the 1-800 number, as specified in § 63.2-1509 of the <i>Code of Virginia</i> , is not included.
	22 VAC 40-121-80 F		Newly added is the requirement that the system notify the department immediately of any imminent danger or hazard that threatens the health and safety of children in a member home. The consequence is that the department can provide guidance and assistance in assuring that children are immediately removed from the hazardous situation and that the hazard is abated in a manner that assures that the environment is safe for

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			the children’s return.
	22 VAC 40-121-80 G		The requirement is added that the licensee shall notify the department by the next working day after the system learns of the following occurrences: serious injury to a child while in care of a provider; lost or missing children when it is necessary to seek assistance of local emergency or police personnel; death of a child while in the care of a provider; damage to the system’s office that affects the operation of the system. These additions are consistent with the requirements in other regulations for family day programs.
	22 VAC 40-121-80 G		Newly added are the following additional requirements for reporting by the next working day after the system learns of the occurrence: any charge and the disposition of any crime specified in § 63.2-1720 of the <i>Code</i> for system staff, and any charge and the disposition of any crime specified in §§ 63.2-1720 and 63.2-1727 for approved providers. These barrier crimes affect continued approval of a home as a member of the system.
	22 VAC 40-121-80 I		The system will be newly required to submit directories of current member homes to the assigned licensing office quarterly. The consequence is that current information is available to the licensing office for use in investigations of illegal operations, statistical reporting,

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			ongoing monitoring of the system, and other uses as deemed appropriate.
	22 VAC 40-121-90. Public access to records.		A section is added that makes certain records available for public review, including but not limited to, confirmation that a family day home is a member of the system, evaluation and monitoring reports, enforcement letters, and completed complaint investigation reports, except reports of child abuse or neglect investigations. The system must follow the requirements in the Freedom of Information Act (Chapter 37 of Title 2.2 of the <i>Code of Virginia</i>) regarding charges for copies of public information. Access to information was identified as a problem during a periodic review. This addition makes information available to parents that allow them to make more informed decisions in choosing a day care provider.
	22 VAC 40-121-100. Confidentiality		Newly added is a section on confidentiality, which identifies information that is not available for public review, to include names of enrolled children and their parents, records, reports and correspondence pertaining to child abuse and neglect investigations, any items that deal with reports of inspections or complaint investigations still in progress. The benefit is that the system has clear guidance on what information may be released to the public and what information remains private.

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	22 VAC 40-121-140 B and C		Newly adds the requirement that the director of the system assign sufficient staff to operate the system and the director designate a staff member to serve in the director's absence.
22 VAC 40-120-30 C 2 b 1 (c)	22 VAC 40-121-160 B	A full-time home visitation staff member shall be responsible for no more than 25 family day-care homes.	A full-time home visitation staff member shall be responsible for no more than 30 member homes. Two years after the effective date of the regulation, the number will increase to 35. Four years after the effective date of the regulation, the number will increase to 40. The incremental increases allow time for a determination of the impact of the change on the quality of services provided to member homes. The four year maximum coincides with the time frames established for periodic review of the regulation. At the time of the periodic review, consideration can be given to the need for further revision of the requirement.
	22 VAC 40-121-190 A		Included in the orientation for newly employed system staff is the added requirement for training in recognizing and reporting child abuse and neglect. This addition assures that system staff complies with the reporting requirements of § 63.2-1509 of the <i>Code of Virginia</i> .
	22 VAC 40-121-190 B		A requirement is added that system staff obtains a minimum of 8 clock hours of training annually. The benefit is that system staff is continuously working toward improving

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			knowledge and skills necessary to carry out their duties and responsibilities.
22 VAC 40-120 B 1 Approval criteria and requirements	22 VAC 40-121-210. Approval criteria and requirements.	Requires the system to develop criteria and requirements for approval of member homes, to include qualifications for providers, ratio requirements; physical plant requirements; requirements related to the water supply; care of children; acceptable and unacceptable discipline methods; nutrition requirements.	Newly requires the development of approval criteria and requirements that match or exceed the requirements for licensed family day homes. An exception is that member homes are not subject to the requirements in the regulation, General Procedures and Information for Licensure. The second exception is that the requirements in Sections 370 (Records on children referred for care) and 380 (Written agreements) of this regulation regarding record keeping are applicable.**
22 VAC 40-120 B 3 b	22 VAC 40-121-220 C 1	In no case shall the capacity exceed nine children, including children under six who are related by blood or marriage to the day-care provider.	Changes the maximum capacity of a member home that must not be exceeded from nine to twelve children, excluding the provider’s own children and children who reside in the home.
	22 VAC 40-121-260. Orientation of providers		Prior to approval as a member home, the system must provide orientation in system standards, the Standards for Licensed Family Day Homes, confidentiality requirements, and child abuse and neglect reporting requirements. The department currently provides orientation sessions on a regular basis for providers wishing to be licensed. The system may arrange to have potential applicants attend the sessions provided by the department. Alternatively, the

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			system may submit an orientation program to the department for approval. Orientation allows the provider to make an informed decision about becoming an approved provider and familiarizes the provider with the roles of the department and the system and the expectations of both for approved providers.
22 VAC 40-120-40 C 3 a	22 VAC 40-121-270. Training of caregivers	Requires at least two hours of on-going in-service training per quarter	A requirement is added that providers receive a minimum of 12 clock hours of training from the system annually. Better trained providers are better able to prevent, recognize, and correct health and safety problems. They are also better able to provide activities appropriate to the developmental needs of the children in care.
	22 VAC 40-121-280. Qualifications of trainers		Newly added are qualifications for trainers, including those under contract, to include an A.A., B.A., B.S., or advanced degree in an area directly related to the area of training. The benefit of this addition is that system staff and providers are receiving training from qualified trainers.
	22 VAC 40-121-340. Corrective action plans		Requirements are added for developing corrective action plans when violations of standards are found, including requirements for follow-up to assure the violations listed in the plan are abated. This requirement is consistent with the requirements in other regulated programs.
	22 VAC 40-121-350		Requirements and circumstances are added that could result in

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			suspension or termination of a member home. The addition provides increased guidance to system staff in making termination or suspension decisions and assures consistency in the decision-making process.
	22 VAC 40-121-370		<p>Added to the information to be maintained on children in care is additional emergency contact information, to include information on each parent’s place of employment; information on at least two designated persons to contact in an emergency if parents cannot be reached; information on allergies, food intolerances, medications; actions to take in an emergency related to allergies or food intolerances; and the name of the parent’s hospitalization or medical assistance plan. This information provides clear guidance on actions to take in the event of an emergency.</p> <p>Requirements are added, as required by law, for verification of a child’s age, identity, and previous day care and schools attended.</p> <p>Immunization records are newly required to be available by the first day of a child’s attendance. This is consistent with requirements for day care centers and public schools.</p>

** Newly added to the requirements for licensed providers, that apply to system providers is the requirement that providers approved after the effective date of the regulation have a high school diploma or equivalent, or evidence of having met the requirements for admission to an accredited

college or university, and three months of programmatic experience. The requirement is broadly written to allow several qualification options for providers approved after the effective date of the regulation. Providers who attended high school outside the United States may provide evidence of equivalency. Providers who may not be able to locate copies of a diploma may provide other documentation, including, but not limited to, a statement from the school district where the high school is located. In addition, providers who have not completed high school may be enrolled in accredited college or university after having completed tests that assess ability to function at the college level. Providers using the Virginia Scholarship Program or a similar program to defray the cost of college-level courses may submit documentation of having been admitted to the college in lieu of a high school diploma or equivalent. “Programmatic experience” means time spent working directly with non-related children in a group. The new regulation establishes the expectation that providers will meet certain basic literacy and experience requirements prior to being approved to provide care, which are the same as the requirements for licensed family day home providers. Additional attributes are added for the provider that mirror the requirements for licensed providers, including the ability to speak, read, and write in English as necessary to meet the requirements of the standards; the ability to provide activities and experiences daily that reflect the familial, cultural and ethnic diversity of enrolled children; the ability to understand instructions on prescription and nonprescription medicines; and the ability to effectively communicate with emergency personnel. The expectation is established that providers will comply with the requirements of Chapter 63.2 of the *Code of Virginia* and the current regulation regarding background checks.