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CHAPTER 30.
MINIMUM STANDARDS FOR LICENSED CHILD DAY CENTERS.
PART I.
INTRODUCTION.

NOTE: REFERENCES TO STANDARD NUMBERS MAY STILL NEED TO BE UPDATED.

22 VAC 15-30-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Adult” means any individual 18 years of age or older.

“Age and stage appropriate” means the curriculum, environment, equipment, and adult-child interactions are suitable for the ages of the children within a group and the individual needs of any child.

“Age groups”

“Infant” means children from birth to 16 months.

“Toddler” means children from 16 months up to two years.

“Preschool” means children from two years up to the age of eligibility to attend public school, five years by September 30.

“School age” means children eligible to attend public school, age five or older by September 30 of that same year. Four- or five-year-old children included in a group of school age children may be considered school age during the summer months if the children will be entering kindergarten that year.

"Attendance" means the actual presence of an enrolled child.

"Balanced mixed-age grouping" means a program planned for three-through five-year-old children in which the enrollment in the group is comprised of 1/3 of each of three ages and is designed for children and staff to remain together with turnover planned only for the replacement of graduating older children with incoming younger children.

"Camp" means a child day camp that is a child day center for school age children that operates during the summer vacation months only. Four-year-old children who will be five by September 30 of the same year may be included in a camp for school age children.

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"Center" means a child day center.

"Child" means any individual under 18 years of age.

~~"Child day camp" means a child day center for school age children that operates during the summer vacation months only. Four year old children who will be five by September 30 of that same year may be included in a camp for school age children.~~

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

Exemptions: (§ 63.1-196.001 of the Code of Virginia).

1. A child day center that has obtained an exemption pursuant to § 63.1-196.3 of the Code of Virginia;
2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;
3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period;
4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed 1½ hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;
5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;

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6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act (20 USC § 1470 et seq.), and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;
7. Education and care programs provided by public schools which are not exempt pursuant to subdivision 6 under the child day center definition in this section shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;
8. Early intervention programs for children eligible under Part H of the Individuals with Disabilities Education Act (20 USC § 1470 et seq.), wherein no child attends for more than a total of six hours per week;
9. Practice or competition in organized competitive sports leagues;
10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.;
11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment;
12. A certified preschool or nursery school program operated by a private school which is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; Standards for the American Montessori Society Accreditation; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission and which complies with the provisions of § 63.1-196.3:1 of the Code of Virginia; or
13. By policy, a child day center that is required to be programmatically licensed by another state agency for that service.

“Child day program” means a regularly operating service arrangement for children where,

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during the absence of a parent or guardian, 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.

Note: This does not include programs such as drop-in playgrounds or clubs for children when there is no service arrangement with the child's parent.

“Children with disabilities” means those children evaluated as having autism, deaf-blindness, a developmental delay, a hearing impairment which may include deafness, mental retardation, multiple disabilities, an orthopedic impairment, a serious emotional disturbance, a severe or profound disability, a specific learning disorder, a speech or language impairment, a traumatic brain injury, or a visual impairment which may include blindness.

“Cleaned” means treated in such a way to reduce the amount of filth through the use of water with soap or detergent or the use of an abrasive cleaner on inanimate surfaces.

“Commissioner” means the Commissioner of ~~Social Services, also known as the Director of~~ the Virginia Department of Social Services.

“Communicable disease” means an illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment.

“Department” means the Virginia Department of Social Services.

“Department's representative” means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

“Evening care” means care provided ~~in a center~~ after 7 p.m. but not through the night.

“Good character and reputation” means knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships which 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.

“Independent contractor” means an individual who enters into an agreement to provide specialized services for a specified period of time.

“Individual service, education or treatment plan” means a plan identifying the child's

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strengths, needs, general functioning and plan for providing services to the child. The service plan includes specific goals and objectives for services, accommodations and intervention strategies. The service, education or treatment plan clearly shows documentation and reassessment/evaluation strategies.

“Intervention strategies” means a plan for staff action that outlines methods, techniques, cues, programs, or tasks that enable the child to successfully complete a specific goal.

“Licensee” means any individual, partnership, association, public agency, or corporation to whom the license is issued.

“Minor injury” means a wound or other specific damage to the body such as, but not limited to, a small scratch, cut or scrape, minor bruise or discoloration of the skin abrasions, splinters, bites that don't break skins, and bruises.

“Overnight care” means care provided after 7 p.m. and through the night.

“Parent” means the biological or adoptive parent or parents or legal guardian or guardians of a child enrolled in or in the process of being admitted to a center.

“Physician” means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

“Physician’s designee” means a physician, licensed nurse practitioner, licensed physician assistant, licensed nurse (R.N. or L.P.N.), or health assistant acting under the supervision of a physician.

“Primitive camp” means a camp where places of abode, water supply system, permanent toilet and cooking facilities are not usually provided.

“Programmatic experience in the group care of children” means time spent working directly with children in a group ~~, in a child day center or family day home regulated by the state Department of Social Services, the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or the state Department of Education; provided that “regulated” shall specifically include, without limitation, day care centers qualifying for exemption from licensure under §§ 63.1-196.3 and 63.1-196.3:1 of the Code of Virginia.~~ 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. 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.

“Resilient surfacing” means ~~(i) for outdoor use underneath and surrounding equipment, mats manufactured for such use that meet the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing Materials or at least six inches materials, such as, but not~~

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~~limited to, loose sand, wood chips, wood mulch, or pea gravel, and (ii) for indoor use underneath and surrounding equipment, padding of two or more inches. Natural grass and compacted materials do not qualify as resilient surfacing.~~

“Sanitized” means ~~washed to reduce the amount of filth and harmful micro-organisms through the use of (i) hot water with soap, detergent or abrasive cleaners or (ii) a chemical sanitizing solution.~~ treated in such a way to remove bacteria and viruses from inanimate surfaces through using a disinfectant solution (i.e., bleach solution or commercial chemical disinfectant) or physical agent (e.g., heat). The surface of item is sprayed or dipped into the disinfectant solution and allowed to air dry between uses.

“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.

“Short-term program” means a child day center that operates less than 12 weeks a year.

~~“Significant injury” means a wound or other specific damage to the body such as, but not limited to, head injuries, dislocations, sprains.~~

“Special needs child day program” means a program exclusively serving children with disabilities.

“Specialty camps” means those centers which have an educational or recreational focus on one subject such as dance, drama, music, or sports.

“Sponsor” means an individual, partnership, association, public agency, corporation or other legal entity in whom the ultimate authority and legal responsibility is vested for the administration and operation of a center subject to licensure.

“Staff” means administrative, activity, and service personnel including the licensee when the licensee is an individual who works in the center, and any persons counted in the staff-to-children ratios or any persons working with a child without sight and sound supervision of a staff member.

“Staff positions” are defined as follows:

1. **“Aide”** means the individual designated to be responsible for helping the program leader/~~child care supervisor~~ in supervising children and in implementing the activities and services for children. Aides may also be referred to as assistant teachers or child care assistants.

2. **“Program leader”** or ~~“child care supervisor”~~ means the individual designated to be

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responsible for the direct supervision of children and for implementation of the activities and services for a group of children. Program leaders may also be referred to as child care supervisors or teachers.

3. **“Program director”** means ~~the primary, on-site director or a~~ coordinator designated to be responsible for developing and implementing the activities and services offered to children, including the supervision, orientation, training, and scheduling of staff who work directly with children, whether or not ~~the program director~~ personally ~~performs~~ performing these functions.

~~EXCEPTION: The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.~~

4. **“Administrator”** means a manager or coordinator designated to be in charge of the total operation and management of one or more centers. The administrator may be responsible for supervising the program director or, if appropriately qualified, may concurrently serve as the program director.

Exception: The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.

“Therapeutic child day program” means a specialized program, including but not limited to therapeutic recreation programs, exclusively serving children with disabilities when an individual service, education or treatment plan is developed and implemented with the goal of improving the functional abilities of the children in care.

“Universal precautions” means an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens.

“Volunteer” means a person who works at the center and:

1. Is not paid;
2. Is not counted in the staff-to-children ratios; and
3. Is in sight and sound supervision of a staff member when working with a child.

Any unpaid person not meeting this definition shall be considered "staff" and shall meet staff requirements.

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22 VAC 15-30-20. Legal base.

- A. Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia describes the responsibility of the Department of Social Services for the regulation of residential and day programs for children, including child day centers.
- B. Section 63.1-202 of the Code of Virginia requires the Child Day-Care Council to prescribe standards for certain activities, services, and facilities for child day centers.
- C. Nothing in this chapter shall be construed to contradict or to negate any provisions of the Code of Virginia which may apply to child day centers.

22 VAC 15-30-30. Purpose and applicability.

- A. The purpose of these minimum standards is to protect children under the age of 13 who are separated from their parents during a part of the day by:
 - 1. Ensuring that the activities, services, and facilities of centers are conducive to the well-being of children; and
 - 2. Reducing risks in the environment.
- B. The minimum standards in this chapter apply to child day centers as defined in 22 VAC 15-30-10 serving children under the age of 13.

PART II.
ADMINISTRATION.

22 VAC 15-30-50. Operational responsibilities.

- A. Applications for licensure shall conform with Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.
- B. Pursuant to §§ 63.1-198 and 63.1-198.1 of the Code of Virginia, the sponsor, who may be represented by the individual proprietor, partners, officers, and managers delegated authority to act for the sponsor, shall be of good character and reputation and shall not have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.
- C. The sponsor shall afford the commissioner or his agents the right at all reasonable times to inspect facilities and to interview his agents, employees, and any child or other person within his custody or

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control, provided that no private interviews may be conducted with any child without prior notice to the parent of such child.

D. The license shall be posted in a place conspicuous to the public (§ 63.1-196 of the Code of Virginia).

E. The operational responsibilities of the licensee shall include, but not be limited to, ensuring that the center's activities, services, and facilities are maintained in compliance with these minimum standards and the terms of the current license issued by the department.

F. Every center shall ensure that any advertising is not misleading or deceptive as required by § 63.1-201.1 of the Code of Virginia.

G. The sponsor shall maintain public liability insurance for bodily injury for each center site with a minimum limit of at least \$500,000 each occurrence and with a minimum limit of \$500,000 aggregate. A public sponsor may have equivalent self-insurance which is in compliance with the Code of Virginia. Evidence of insurance coverage shall be made available to the department's representative upon request.

H. The center shall develop written procedures for injury prevention. These procedures shall be based on documentation of injuries and a review of the activities and services.

I. The center shall develop written playground safety procedures which shall include:

1. Provision for active supervision by staff; and
2. Method of maintaining resilient surface.

J. Hospital operated centers may temporarily exceed their licensed capacity during a natural disaster or other catastrophe or emergency situation. Such centers shall develop a written plan for emergency operations, for submission to and approval by the Department of Social Services.

K. When children 13 years or older are enrolled in the program and receive supervision in the licensed program, they shall be counted in the number of children receiving care and the center shall comply with the standards for these children.

22 VAC 15-30-60. (Repealed.)

22 VAC 15-30-70. General recordkeeping; reports.

A. Staff and children's records shall be treated confidentially. **EXCEPTION:** Children's records shall be made available to the custodial parent on request.

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B. Records and reports on children and staff required by this chapter shall be maintained and made accessible for two years after termination of services or separation from employment unless specified otherwise. Records may be kept at a central location except as stated otherwise in these standards.

22 VAC 15-30-80. Children's records.

Each center shall maintain and keep at the center a separate record for each child enrolled which shall contain the following information:

1. Name, nickname (if any), sex, and birth date of the child;
 2. Name, home address, and home phone number of each parent who has custody;
 3. When applicable, work phone number and place of employment of each parent who has custody;
 4. Name and phone number of child's physician;
 5. Name, address, and phone number of two designated people to call in an emergency if a parent cannot be reached;
 6. Names of persons authorized to pick up the child. Appropriate legal paperwork shall be on file when the custodial parent requests the center not to release the child to the other parent;
 7. Allergies and intolerance to food, medication, or any other substances, and actions to take in an emergency situation;
 8. Chronic physical problems and pertinent developmental information and any special accommodations needed;
 9. Health information as required by 22 VAC 15-30-150 through 22 VAC 15-30-170;
- Exception: When a center is located on the same premises where a child attends school and the child's record has a statement verifying the school's possession of the health record, the center is not required to maintain duplicates of the school's health record for that child provided the school's records are accessible during the center's hours of operation.
10. Written agreements between the parent and the center as required by 22 VAC 15-30-110 A and B;
 11. Any blanket permission slips and opt out requests;

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12. Name of any additional programs or schools that the child is concurrently attending and the grade or class level; and

13. First and last dates of attendance.

22 VAC 15-30-90. Staff records.

The following staff records shall be kept for each staff person:

1. Name, address, verification of age requirement, job title, and date of employment or volunteering; and name, address and telephone number of a person to be notified in an emergency which shall be kept at the center.

2. For staff hired after March 1, 1996, documentation that two or more references as to character and reputation as well as competency were checked before employment or volunteering. If a reference check is taken over the phone, documentation shall include dates of contact, names of persons contacted, the firms contacted, results, and signature of person making call.

3. A criminal record check as required by the Regulation for Criminal Record Checks for Child Welfare Agencies (22 VAC 15-50-10 et seq.).

4. Written information to demonstrate that the individual possesses the education, orientation training, staff development, certification, and experience required by the job position.

5. First aid and other certification as required by the responsibilities held by the staff member.

6. Health information as required by 22 VAC 15-30-180 and 22 VAC 15-30-190.

7. Information, to be kept at the center, about any health problems which may interfere with fulfilling the job responsibilities.

8. Date of separation from employment.

22 VAC 15-30-100. Attendance records; reports.

A. The center shall keep a written record of children in attendance each day.

B. Reports shall be filed and maintained as follows:

1. The center shall inform the commissioner's representative as soon as practicable but not to exceed one working day of the circumstances surrounding the following incidents:

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- a. Death of a child while under the center's supervision; and
 - b. Missing child when local authorities have been contacted for help.
2. Any suspected incident of child abuse shall be reported in accordance with § 63.1-248.3 of the Code of Virginia.

22 VAC 15-30-110. Parental agreements.

A. A written agreement between the parent and the center shall be in each child's record by the first day of the child's attendance. The agreement shall be signed by the parent and include:

1. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately unless the parent states an objection to the provision of such care on religious or other grounds; and
2. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible if so requested by the center.

~~B. If a parent wishes a school age child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured and the center shall maintain a record of the child leaving unaccompanied.~~

22 VAC 15-30-120. Enrollment procedures of therapeutic child day programs and special needs child day programs.

Before the child's first day of attendance, there shall be personal communication between the director, or his designee, and the parent to determine:

1. The child's level of general functioning as related to physical, affective/emotional, cognitive and social skills required for participation; and
2. Any special medical procedures needed.

22 VAC 15-30-130. Individual assessment for therapeutic child day programs.

A. An individual assessment completed within six months before the child's attendance or 30 days after the first day of attendance shall be maintained for each child.

B. An individual assessment shall be reviewed and updated for each child no less than once every 12 months.

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22 VAC 15-30-140. Individual service, education or treatment plan for therapeutic child day programs.

A. An individual service, education or treatment plan shall be developed for each child by the director or his designee and primary staff responsible for plan implementation. Implementation of the plan shall begin within 60 days after the first day of the child's attendance.

B. The child's individual service, education or treatment plan shall be developed, reviewed, and revised every three months and rewritten annually by the director or his designee and primary staff responsible for plan implementation. This shall be done in partnership with the parent, residential care provider or advocate.

C. A copy of the initial plan and subsequent or amended service, education or treatment plans shall be maintained in the child's record and a copy given to the child's parent.

22 VAC 15-30-150. Immunizations for children.

A. The center shall obtain documentation that each child has received the immunizations required by the State Board of Health before the child can attend the center.

Exemptions (subsection C of § 22.1-271.2 of the Code of Virginia and 12 VAC 5-110-110 of the Regulations for the Immunizations of School Children): Documentation of immunizations is not required for any child whose (i) parent submits an affidavit to the center, on the form entitled "Certification of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices, or (ii) physician or a local health department states on a MCH 213B or MCH 213C Form that one or more of the required immunizations may be detrimental to the child's health.

B. Updated information on additional immunizations shall be obtained once every six months for children under the age of two years.

C. Updated information on additional immunizations shall be obtained once between each child's fourth and sixth birthdays.

22 VAC 15-30-160. Physical examinations for children.

Each child shall have a physical examination by or under the direction of a physician before the child's attendance or within one month after attendance. ~~The schedules for examinations prior to attendance for children are listed~~ If the child has had a physical examination prior to attendance, it shall be within the time period prescribed below:

1. Within two months prior to attendance for children six months of age and younger;

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2. Within three months prior to attendance for children aged seven months through 18 months;
3. Within six months prior to attendance for children aged 19 months through 24 months; and
4. Within 12 months prior to attendance for children two years of age through five years of age.

EXCEPTIONS:

1. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare or social services, registered as a small family day home by the Virginia Department of Social Services or by a contract agency of the Virginia Department of Social Services, or approved by a licensed family day system:

a. If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required.

b. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with 22 VAC 15-30-150 and this section.

2. Pursuant to subsection D of § 22.1-270 of the Code of Virginia, physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

22 VAC 15-30-170. Form and content of immunizations and physical examination reports for children.

A. The current form required by the Virginia Department of Health or a physician's form shall be used to report immunizations received and the results of the required physical examination.

B. Each report shall include the date of the physical examination and dates immunizations were received and shall be signed by a physician, his designee, or an official of a local health department.

22 VAC 15-30-180. Tuberculosis screening for staff and independent contractors.

A. Each staff member and independent contractor shall obtain a tuberculosis risk assessment screening for tuberculosis ~~or if indicated based on results of the screening and submit documentation of~~ a negative Purified Protein Derivative (PPD) screening and submit the appropriate documentation indicating that the screening was conducted within the last two years. The screening shall be submitted no later than 21 days after employment or volunteering.

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Exceptions: For staff who have a contraindication to a Purified Protein Derivative screening, as in the case of those who have received a TB vaccination, documentation of the contraindication and a determination of noncommunicable tuberculosis status from a physician, his designee, or an official of a local health department shall be obtained and submitted every two years to the center. Staff who test positive to the Purified Protein Derivative screening shall meet the requirements of subsection D of this section.

B. Documentation of tuberculosis screenings shall include:

1. Tuberculosis risk assessment screening form provided by the Virginia Department of Health with the date of the screening and completed and signed by a physician, the physician's designee, or an official of the local health department;

2. A "yes" response to any question on the risk assessment form is considered a positive risk factor for tuberculosis disease or infection and requires the following documentation:

~~1.~~ a. Negative results of the Purified Protein Derivative screening;

~~2.~~ b. The signature of the physician, the physician's designee, or an official of the local health department; and

~~3.~~ c. The date the screening was evaluated.

C. At least every two years from the date of the first screening or more frequently as recommended by a licensed physician or the local health department, each staff member shall obtain and submit a negative Purified Protein Derivative screening in accordance with subsections A and B of this section at least every two years from the date of the first screening or more frequently as recommended by a licensed physician or the local health department, in accordance with subsections A and B of this section, a tuberculosis risk assessment screening or if indicated based on results of the screening a negative Purified Protein Derivative (PPD) screening.

D. Any staff member who comes in contact with a known case of tuberculosis, who develops progressive respiratory symptoms or who tests positive to the tuberculosis screening shall, regardless of the date of the last screening, obtain and submit within one month of such incident, a determination of noncontagious by a physician or a local health department official. Until such determination is made, that staff member shall not have direct contact with children or food served to the children.

22 VAC 15-30-190. Physical and mental health of staff and volunteers.

When there is evidence that the safety of children may be jeopardized by contact with a staff member or volunteer because of the physical health or mental health of such staff member or volunteer, the licensee shall, at a minimum, prohibit the employee or volunteer from engaging in contact with the children or

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participation in the food service program until a physician or a clinical psychologist skilled in the diagnosis and treatment of mental illness confirms that any risk has been eliminated or can be reduced to an acceptable level by reasonable accommodations. This requirement should not be construed as a mandatory precondition to any other employment action that an employer may otherwise take.

PART III.
STAFF QUALIFICATIONS AND TRAINING.

22 VAC 15-30-200. General qualifications.

A. No staff shall have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults.

B. Staff shall be:

1. Of good character and reputation;
2. Capable of carrying out assigned responsibilities;
3. Capable of accepting training and supervision; and
4. Capable of communicating effectively both orally and in writing as applicable to the job responsibility.

C. Staff who work directly with children shall be capable of communicating with emergency personnel ~~and understanding instructions on a prescription bottle.~~

D. For therapeutic child day programs and special needs child day programs, staff who work with children shall have knowledge of the groups being served and skills specific to the disabilities of the children in care including, but not limited to, functional abilities, accommodations, assessment techniques, behavior management, and medical and health concerns.

22 VAC 15-30-210. (Repealed.)

22 VAC 15-30-220. (Repealed.)

22 VAC 15-30-230. Program director qualifications.

A. Program directors shall be at least 21 years of age and shall meet one of the following:

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1. A graduate degree ~~in a child-related field from an accredited~~ a college or university and six months of programmatic experience ~~in the group care of children;~~
 2. An endorsement or bachelor's degree ~~in a child-related field from an accredited~~ a college or university and one year of programmatic experience ~~in the group care of children;~~
 3. Forty-eight semester hours or 72 quarter hours ~~of college credit in a child-related field from an accredited~~ a college or university and one year of programmatic experience ~~in the group care of children;~~
 4. Two years of programmatic experience ~~in the group care of children with~~ including one year in a ~~staff~~ supervisory capacity and at least one of the following ~~educational~~ education backgrounds:
 - a. A one-year early childhood certificate from ~~an accredited~~ a college or university that consists of at least 30 semester hours; or
 - b. A child development credential by an organization ~~approved by the department;~~ or listed in § 63.1-196.001 A 12 of the Code of Virginia; or
 - c. ~~A certification of qualification from an internationally or nationally recognized Montessori organization;~~ or
 5. Three years of programmatic experience ~~in the group care of children with one year including one year~~ in a staff supervisory capacity and a high school diploma or G.E.D. or verification of completion of a home school program approved by the state. Programmatic experience shall be obtained in a child day center that offers a staff training program that includes These three years shall include training in the subject areas of first aid, human growth and development ~~birth to age 12 years,~~ and ~~behavioral~~ behavior management of children. Such training shall be completed by the employee and documented by the ~~center~~ program.
- B. For program directors of therapeutic child day programs and special needs child day programs, education and programmatic experience shall be in the group care of children with disabilities.
- C. Notwithstanding subsection A of this section, a person between 19 and 21 years of age may serve as a program director at a short-term program serving only school age children if the program director has daily supervisory contact by a person at least 21 years of age who meets one of the program director qualification options.

22 VAC 15-30-240. (Repealed.)

22 VAC 15-30-250. ~~Back-up for program directors.~~

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~~The qualified D. A program director or a back-up program director who meets one of the director qualifications shall regularly be on site at least 50% of the center's hours of operation, provided that if the program employs one or more program leaders or child care supervisors who are qualified under subsection C of 22 VAC 15-30-260 but not under subsection A of that section, the program director or back-up program director shall be on site at least 75% of the center's hours of operation.~~

22 VAC 15-30-260. Program leader and child care supervisor qualifications.

A. Program leaders ~~and child care supervisors~~ shall be at least 18 years of age and shall meet one of the ~~program director qualifications in 22 VAC 15-30-230~~ or have following:

1. One of the program director qualifications in 22 VAC 15-30-230; or

~~1. 2. Three~~ Have three months of programmatic experience ~~in the group care of children~~ and at least one of the following educational backgrounds:

a. A one year early childhood certificate from ~~an accredited~~ a college or university that consists of at least 30 semester hours;

b. A child development credential by an organization ~~approved by the department;~~ listed in § 63.1-196.001 A 12 of the Code of Virginia; or

~~c. A teaching diploma from an internationally or nationally recognized Montessori organization; or~~

~~2. 3. A high school diploma or G.E.D. or verification of completion of a home school program approved by the state, and~~ Have six months of supervised programmatic experience and a high school diploma or G.E.D. or verification of completion of a home school program approved by the state in the group care of children. Within ~~one month~~ 90 days after being hired or promoted or beginning work, a minimum of 12 hours of training shall be received related to the care of children, including but not limited to, child development, playground safety, ~~and health and safety issues,~~ prevention of including child abuse and neglect, etc. ~~shall be received.~~ Such training may take place on site while ~~not~~ supervising children. Training may be acquired through mentoring, video tapes, in-house service, seminars, college, etc. A program leader hired or promoted prior to completing the required training may assume duties provided that such training is completed within 90 days of hire or promotion.

B. For program leaders ~~and child care supervisors~~ of therapeutic child day programs and special needs child day programs, at least three months of programmatic experience shall be in the group care of children with disabilities.

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C. Notwithstanding subsection A of this section, program leaders at short-term programs may have only one season of programmatic or general experience in the group care of children, provided that this experience shall include at least 250 hours, of which up to 24 hours can be formal training, working directly with children in a group.

22 VAC 15-30-270. (Repealed.)

22 VAC 15-30-280. Aides.

A. Aides shall be at least 16 years of age.

B. An aide over 18 years of age who has at least six months of programmatic experience at the center may substitute for a program leader for periods up to two consecutive weeks with indirect program leader supervision.

22 VAC 15-30-290. Independent contractors; volunteers.

A. Independent contractors shall not be counted in the staff-to-children ratios unless they meet the qualifications for the applicable position.

B. Independent contractors who do not meet staff qualifications shall, when in the presence of children, be within sight and sound supervision of a staff member.

C. Volunteers who work with children shall be at least 13 years of age.

22 VAC 15-30-310. Staff ~~orientation~~ training and development.

A. Staff shall receive the following training by the end of their first day of assuming job responsibilities:

1. Job responsibilities and to whom they report;
2. The policies and procedures listed in subsection B of this section and 22 VAC 15-30-490 A that relate to the staff member's responsibilities;
3. The center's playground safety procedures unless the staff member will have no responsibility for playground activities or equipment;
4. Confidential treatment of personal information about children in care and their families; and
5. The minimum standards in this chapter which relate to the staff member's responsibilities.

B. By the end of the first day of supervising children, staff shall be provided in writing with the

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information listed in 22 VAC 15-30-490 A and the following:

1. Procedures for supervising a child who may arrive after scheduled classes or activities including field trips have begun;
2. Procedures to confirm absence of a child when the child is scheduled to arrive from another program or from an agency responsible for transporting the child to the center;
3. Procedures for identifying where attending children are at all times, including procedures to ensure that all children are accounted for before leaving a field trip site and upon return to the center;
4. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies and general emergencies;
5. Policy for any administration of medication; and
6. Procedures for response to natural and man-made disasters.

C. In addition to ~~first aid and orientation training required elsewhere in this chapter~~ training required by 22 VAC 15-30-310 A, staff who work directly with children shall annually ~~attend~~ complete eight hours of staff development activities that shall be related to child safety and development and the function of the center.

D. There ~~always~~ shall be at least one staff member on duty who has obtained instruction in medication administration and performing the daily health observation of children. This instruction shall be obtained annually from a physician, registered nurse, ~~or~~ health department medical personnel or public health nurse at three-year intervals. ~~Staff with this training shall observe daily each child for signs and symptoms of illness.~~ Medication administration training shall include but not be limited to: the procedural aspects of medication administration, the safe handling and storage of medications, and documentation.

E. Before assuming job responsibilities, staff who work with children in therapeutic child day programs and special needs child day programs shall receive training in:

1. Universal precautions procedures;
2. Activity adaptations;
3. Medication administration;
4. Disabilities precautions and health issues; and

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5. Appropriate intervention strategies.

F. For therapeutic child day programs and special needs child day programs, staff who work directly with children shall annually attend 24 hours of staff development activities. At least eight hours of this training shall be on topics related to the care of children with disabilities.

PART IV.
PHYSICAL PLANT.

22 VAC 15-30-320. Approval from other agencies; requirements prior to initial licensure.

A. Before issuance of the first license and before use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided by the applicant or licensee to the licensing representative:

1. Approval ~~from~~ by the appropriate authority having jurisdiction that the buildings meet each building meets building and fire codes or that a plan of correction has been approved; and

Exception: Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered to have met the requirements of subdivision 1 of this subsection when housing a center only serving children two and a half years of age or older.

2. Approval from the local health department, or approval of a plan of correction, for meeting requirements for:

- a. Water supply;
- b. Sewage disposal system; and
- c. Food service, if applicable.

B. For buildings built before 1978, a written statement from a person licensed in Virginia as an asbestos inspector and management planner shall be submitted before the first license is issued. The statement shall comply with § 63.1-198.01 of the Code of Virginia and the requirements of the Asbestos Hazard Emergency Response Act (15 USC § 2641 et seq.).

C. The administrator shall post a notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review.

Exception: The provisions of subsections B and C of this section do not apply to centers located in

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buildings required to be inspected according to Article 5.2 (§ 2.1-526.12 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia.

D. Before the first license is issued, camps shall notify the ~~closest~~ responsible fire department and the ~~closest rescue squad or similar emergency service organization~~ responsible emergency medical service of the camp location and hours of operation.

22 VAC 15-30-330. Approval from other agencies; requirements subsequent to initial licensure.

A. An annual fire inspection report from the appropriate fire official having jurisdiction shall be provided to the licensing representative by the provider.

Exception: If a center is located in a building currently housing a public or private school, the school's annual fire inspection report shall be accepted ~~instead of the requirements of this subsection~~.

B. After the first license, annual approval from the health department shall be provided, or approvals of a plan of correction, for meeting requirements for:

1. Water supply;
2. Sewage disposal system; and
3. Food service, if applicable.

C. For those buildings where asbestos containing materials are detected and not removed, the administrator shall:

1. Submit to the department a signed, written statement that the center is following the recommendations of the management plan; and
2. Post a notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review.

Exception: The provisions of this subsection do not apply to child day centers located in buildings required to be inspected according to Article 5.2 (§ 2.1-526.12 et seq.) of Chapter 32 of Title 2.1 of the Code of Virginia.

22 VAC 15-30-340. Building maintenance.

A. Areas and equipment of the center, inside and outside, shall be maintained in a clean, safe and operable condition.

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B. Heat shall be supplied from an officially approved heating system except for camps. The heating system shall:

1. Be installed to prevent accessibility of children to the system; and
2. Have appropriate barriers to prevent children from being burned, shocked, or injured from heating equipment. In addition, proper supervision shall be available to prevent injury.

Exception: In case of emergency, portable heaters may be used in accordance with the manufacturer's instructions.

C. In inside areas occupied by children, the temperature shall be maintained no lower than 68°F.

D. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children exceeds 80°F.

E. Drinking fountains or individual disposable cups with safe drinking water shall be accessible at all times.

F. Equipment shall include, but not be limited to, the following:

1. Outside lighting provided at entrances and exits used by children before sunrise or after sundown; and
2. An in-service, nonpay telephone.

22 VAC 15-30-350. Hazardous substances and other harmful agents.

A. No center shall be located where conditions exist that would be hazardous to the health and safety of children.

B. Hazardous substances such as cleaning materials, insecticides, and pesticides shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to the children.

Exception: Cleaning supplies used to clean and sanitize the diapering area need not be kept in a locked place if they are not accessible to children.

C. Pesticides or insecticides shall not be stored in areas used by children or in areas used for food preparation or storage.

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D. Cleaning and sanitizing materials shall not be located above food, food equipment, utensils or single-service articles and shall be stored in areas physically separate from food.

~~E. Cleaning materials (e.g., detergents, sanitizers and polishes) and insecticides/pesticides shall be stored in areas physically separate from each other.~~

F. E. Hazardous substances shall be stored in the original container unless this container is of such a large size that its use would be impractical.

~~G. F.~~ If hazardous substances are not kept in original containers, the substitute containers shall clearly indicate their contents and shall not resemble food or beverage containers.

~~H. G.~~ Cosmetics, medications, or other harmful agents shall not be stored in areas, purses or pockets that are accessible to children.

~~I. H.~~ Hazardous art and craft materials shall not be used with children.

~~J. I.~~ Smoking shall be prohibited in the interior of a center that is not used for residential purposes. In residential areas of the center and outside the center, smoking shall be prohibited in the presence of children.

22 VAC 15-30-360. General physical plant requirements for centers serving children of preschool age or younger.

In areas used by children of preschool age or younger, the following shall apply:

1. Building steps with three or more risers and a total height of more than 20 inches shall have a guardrail or barrier on each side and a handrail on one side having a minimum and maximum height of 30 inches and 38 inches respectively. The distance between any posts shall be no greater than 3½ inches.

2. Fans, when used, shall be out of reach of children and cords shall be secured so as not to create a tripping hazard.

3. Electrical outlets shall have protective covers that are in good repair and be of a size that cannot be swallowed by children.

22 VAC 15-30-370. General physical plant requirements for centers serving school age children.

A. Any building which is currently approved for school occupancy and which houses a school during the school year shall be considered to have met the building and playground requirements in this

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regulation when housing a center only serving school age children.

B. Portable camping equipment for heating or cooking that is not required to be approved by the building official shall bear the label of ~~a recognized~~ an inspection agency and be used in accordance with the manufacturer's specifications, except for charcoal and wood burning cooking equipment.

C. No cooking or heating shall occur in tents except as approved by the building official.

22 VAC 15-30-380. Areas.

A. There shall be 25 square feet of indoor space available per child.

1. Areas not routinely used for children's activities shall not be calculated as available space. Space not calculated shall include, but not be limited to, offices, hallways, restrooms, kitchens, storage rooms or closets.

2. Space in areas used by infants shall be calculated separately from space for older children. There shall be a minimum of 25 square feet of space per infant excluding space occupied by cribs and changing tables or a minimum of 35 square feet of available space per infant including space occupied by cribs and changing tables.

3. Camps for school age children are not required to meet this space requirement. However, when weather prevents outdoor activities, 25 square feet of indoor space per child shall be provided either at the program site or at a predesignated, approved location off site.

B. When children are on the outdoor play area, at least 75 square feet of space per child shall be provided at any one time.

~~C. Centers licensed for the care of infants and toddlers shall provide a separate playground area for these children which has at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This space may be counted as part of the 75 square feet required in subsection B of this section.~~ Centers shall provide 25 square feet of unpaved surface for each infant or toddler on the playground. A separate playground area shall be provided for infants and toddlers when children 36 months or older are present. The unpaved space may be counted as part of the required 75 square feet.

D. A ~~separate~~ space shall be designated for children who are ill or injured.

22 VAC 15-30-390. Restroom areas and furnishings.

A. Centers shall be provided with at least two toilets and two sinks.

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B. Each restroom area provided for children shall:

1. Be within a contained area, readily available and within the building used by the children (Exception: Restrooms used by school age children at camps are not required to be located within the building);
2. Have toilets that are flushable;
3. Have sinks near the toilets and that are supplied with running water which does not exceed 120°F; and
4. Be equipped with soap, toilet paper, and disposable towels or an air dryer within reach of children.

C. For restrooms available to males, urinals shall not be substituted for more than one-half the required number of toilets.

D. An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are allowed unrestricted access to them.

Exception: Primitive camps are not required to have a toilet with privacy for staff.

E. Centers shall be provided with at least one toilet and one sink per 20 preschool children and at least one standard size toilet and one sink per 30 school age children. When sharing restroom areas with other programs, the children in those programs shall be included in the toilet and sink ratio calculations. The toilet and sink ratio appropriate to the younger age group shall apply.

F. When child size toilets, urinals, and low sinks are not available in restrooms used by children of preschool age and younger, one or more platforms or sets of steps shall be provided.

G. School age children of the opposite sex shall not use the same restroom at the same time.

H. A restroom used for school age children that contains more than one toilet shall have at least one toilet enclosed.

I. Restrooms used by school age children at primitive camps are not required to have:

1. Sinks, if adequate water, supplies, and equipment for hand washing are available; and
2. Flushable toilets, if the number of sanitary privies or portable toilets constructed and operated in accordance with the applicable law and regulations of the Virginia Department of Health meets the toilet ratio stated in subsection E of this section. No privy or outdoor toilet shall

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be located within 75 feet of other buildings or camp activities.

22 VAC 15-30-400. (Repealed.)

22 VAC 15-30-410. Play areas.

A. Playgrounds shall be located and designed to protect children from hazards.

~~B. Where playground equipment is provided resilient surfacing shall be under equipment with moving parts or climbing apparatus to create a fall zone free of hazardous obstacles. Fall zones are defined as the area underneath and surrounding equipment that requires a resilient surface. A fall zone shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use. The center shall ensure that all areas of the premises accessible to children are free of obvious injury hazards, including providing and maintaining sand or other cushioning material under playground equipment.~~

C. Ground supports shall be covered with materials that protect children from injury.

D. Swing seats shall be constructed with flexible material. Exceptions: Nonflexible molded swing seats may be used only in a separate infant or toddler play area. Swings made specifically for a child with a disability shall be permitted in any area.

E. Sandboxes with bottoms which prevent drainage shall be covered when not in use.

PART V.
STAFFING AND SUPERVISION.

22 VAC 15-30-420. (Repealed.)

22 VAC 15-30-430. Supervision of children.

A. When staff are supervising children, they shall always ensure their care, protection, and guidance.

B. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

C. During the stated hours of operation, there always shall be on the premises and on field trips when one or more children are present one staff member who meets the qualifications of a program leader; ~~child care supervisor~~, or program director and an immediately available staff member, volunteer or other

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employee who is at least 16 years of age, with direct means for communication between the two of them. The volunteer or other employee shall have received instruction in how to contact appropriate authorities if there is an emergency.

D. In each grouping of children at least one staff member who meets the qualifications of a program leader, ~~child care supervisor~~, or program director shall be regularly present. Such staff member shall supervise no more than two aides.

E. Children under 10 years of age always shall be within actual sight and sound supervision of staff, except that staff need only be able to hear a child who is using the restroom provided that:

1. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter the restroom area while in use by children; and
2. Staff check on a child who has not returned from the restroom after five minutes.

F. Children 10 years of age and older shall be within actual sight and sound supervision of staff except when the following requirements are met:

1. Staff can hear or see the children (video equipment, intercom systems, or other technological device shall not substitute for staff being able to directly see or hear children);
2. Staff are nearby so they can provide immediate intervention if needed;
3. There is a system to ensure that staff know where the children are and what they are doing;
4. There is a system to ensure that individuals who are not staff members or persons allowed to pick up children in care do not enter the areas where children are not under sight supervision; and
5. Staff provide sight and sound supervision of the children at variable and unpredictable intervals not to exceed 15 minutes.

G. When the outdoor activity area is not adjacent to the center, there shall be at least two staff members on the outdoor activity area whenever one or more children are present.

H. Staff shall greet each child upon arrival at the center and oversee each child's departure from the center.

I. Staff may not allow a child to leave the center unsupervised.

22 VAC 15-30-440. Staff-to-children ratio requirements.

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A. Staff shall be counted in the required staff-to-children ratios ~~only~~ when they are ~~directly~~ supervising children.

B. As long as staff-to-children ratios are maintained on the premises, flexibility of ratios will be allowed to meet the needs of children, in instances such as but not limited to illness, toileting, escorting a child to the office, etc.

~~B. C.~~ A child volunteer 13 years of age or older not enrolled in the program shall not be counted as a child in the staff-to-children ratio requirements.

~~C. D.~~ When children are regularly in ongoing mixed age groups, the staff-to-children ratio applicable to the youngest child in the group shall apply to the entire group.

~~D. E.~~ During the designated rest period, the ratio of staff to children may be double the number of children to each staff required by subdivisions E 2 through 4 and 6 of this section if:

1. A staff person is within sight and sound of the resting/sleeping children;
2. Staff counted in the overall rest period ratio are within the building and available to ensure safe evacuation in an emergency; and
3. An additional person is present at the center to help, if necessary.

E. F. The following ratios of staff to children are required wherever children are in care:

1. For children from birth to the age of 16 months: one staff member for every four children;
2. For children 16 months old to ~~two years~~ 24 months: one staff member for every five children;
3. For children 24 to 30 months: one staff member for every eight children;
- ~~3.4.~~ 4. For children ~~from two years to four years~~ 30 to 48 months: one staff member for every 10 children;
- ~~4. 5.~~ 5. For children from four years to the age of eligibility to attend public school, five years by September 30: one staff member for every 12 children;
- ~~5. 6.~~ 6. For school-age children; one staff member for every 20 children; and
- ~~6. 7.~~ 7. Notwithstanding subdivisions 3 through 5 of this subsection and subsection C of this section, the ratio for balanced mixed-age groupings of children ages three through six years of age shall be one staff member for every 15 children, provided:

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- a. If the program leader ~~or child care supervisor~~ has an extended absence, there shall be sufficient substitute staff to meet a ratio of one staff member for every 12 children.
- b. The center shall have readily accessible and in close classroom proximity auxiliary persons sufficient to maintain a 1:10 adult-to-child ratio for all three-year-olds who are included in balanced mixed-age groups to be available in the event of emergencies.
- c. The program leader ~~or child care supervisor~~ has received training in classroom management of balanced mixed-age groupings of at least eight hours.

~~F. G.~~ G. With a parent's written permission and a written assessment by the program director and ~~child care supervisor~~ ~~or~~ program leader, a center may choose to assign a child to a different age group if such age group is more appropriate for the child's developmental level and the staff-to-children ratio shall be for the established age group. If such developmental placement is made for a child with a disability, a written assessment by a recognized agency or professional shall be required at least annually.

~~G. H.~~ H. For therapeutic child day programs, in each grouping of children of preschool age or younger, the following ratios of staff to children are required according to the disabilities of the children in care:

1. For children with severe and profound disabilities, multiple disabilities, or serious emotional disturbance: one staff member to three children.
2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities, or with autism: one staff member to four children.
3. For children diagnosed as educable mentally retarded (EMR) or developmentally delayed or diagnosed with attention deficit/hyperactivity disorder (AD/HD): one staff member to five children.
4. For children diagnosed with specific learning disabilities: one staff member to six children.
5. When children with varied disabilities are regularly in ongoing groups, the staff-to-children ratio applicable to the child with the most significant disability in the group shall apply to the entire group.

Note: Whenever 22 VAC 15-30-440 E requires more staff than 22 VAC 15-30-440 G because of the children's ages, 22 VAC 15-30-440 E shall take precedence over 22 VAC 15-30-440 G.

~~H. I.~~ I. For therapeutic child day programs, in each grouping of school age children, the following ratios of staff to children are required according to the disabilities of the children in care:

1. For children with severe and profound disabilities, autism, multiple disabilities, or serious emotional disturbance: one staff member to four children.

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2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities; attention deficit/hyperactivity disorder (AD/HD), or other health impairments: one staff member to five children.
3. For children diagnosed as educable mentally retarded (EMR), or developmentally delayed: one staff member to six children.
4. For children diagnosed with specific learning disabilities, or speech or language impairments: one staff member to eight children.
5. When children with varied disabilities are regularly in ongoing groups, the staff-to-children ratio applicable to the child with the most significant disability in the group shall apply to the entire group.

PART VI.
PROGRAMS.

22 VAC 15-30-450. (Repealed.)

22 VAC 15-30-460. (Repealed.)

22 VAC 15-30-470. (Repealed.)

22 VAC 15-30-480. (Repealed.)

22 VAC 15-30-451. Daily activities.

A. The variety of daily activities for all age groups shall be age and stage appropriate and provide opportunities for teacher-directed, self-directed, and self-chosen tasks and activities; a balance of active and quiet activities; individual and group activities; and curiosity and exploration.

Exception: Specialty camps do not need to provide opportunities for self-chosen tasks and curiosity and exploration.

B. For a child who cannot move without help, staff shall offer to change the places and position of the child at least every 30 minutes or more frequently depending on the child's individual needs.

C. Children shall be allowed to sleep or rest as individually needed.

D. For a child in a therapeutic child day program, daily activities shall be in accordance to the program's individual plan for such child.

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22 VAC 15-30-461. Daily activities for infants.

There shall be a flexible daily schedule for infants based on their individual needs. During the day, infants shall be provided with:

1. Sleep as needed.
 - a. When an infant is placed in his crib, he shall be placed on his back (supine). When an infant is able to easily turn over from the back (supine) to the belly (prone) position and he is placed in his crib, he shall still be put on his back (supine) but allowed to adopt whatever position he prefers. This applies unless otherwise directed by the infant's physician. However, if the side position is used, caregivers shall bring the dependent arm forward to lessen the likelihood of the infant rolling into a belly (prone) position.
 - b. Resting or sleeping ~~infants~~ children shall be individually checked every ~~30~~ 15-20 minutes.
 - c. An infant who falls asleep in a play space ~~not his crib, cot, mat, or bed shall be moved to his own crib, cot, mat or bed if he is uncomfortable or unsafe~~ specified in subdivision 4 a of this section may remain if comfortable and safe.
2. Food as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.
3. Comfort as needed.
4. Play spaces.
 - a. Play spaces may include, but are not limited to, cribs, infant seats, play yards, exercise chairs or saucers (but not walkers), infant swings, high chairs, and floor space.
 - b. The variety of play spaces shall cumulatively offer:
 - (1) Room for extensive movement (rolling, crawling, or walking) and exploration;
 - (2) A diversity of sensory and perceptual experiences; and
 - (3) Equipment and toys that support large and small motor development.
 - c. Staff shall provide frequent opportunities for infants to creep, crawl, toddle and walk.
 - d. Infants shall be protected from older children.

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e. Staff shall provide awake infants not playing on the floor or ground a change in play space at least every 30 minutes or more often as determined by the individual infant's needs.

f. Staff shall change the position of an awake infant playing on the floor or ground and the selection of toys available to the infant every 30 minutes or more often as determined by the individual infant's needs.

g. Infants, who cannot turn themselves over and are awake, shall be placed on their stomach a total of 30 minutes each day to facilitate upper body strength and to address misshapen head concerns.

5. Stimulation and language development activities, including but not limited to staff reading, talking to, cuddling, making eye contact, and playing with infants.

22 VAC 15-30-471. Daily activities for toddlers and preschoolers.

A. There shall be a posted daily schedule that allows for flexibility as children's needs require. The daily schedule need not apply on days occupied a majority of the time by a field trip or other special event. The daily schedule shall include opportunities for:

1. Outdoor activity, weather allowing; as determined by center policy, for at least:
 - a. Fifteen minutes per day or session if the center operates up to three hours per day or session;
 - b. Thirty minutes per day or session if the center operates between three and five hours per day or session; or
 - c. One hour per day or session if the center operates more than five hours per day or session.
2. Sleep or rest.
 - a. Centers operating five or more hours per day shall have a designated rest period for at least one hour but no more than two hours. Cribs, cots, beds, or mats shall be used. After the first 30 minutes, children not sleeping may engage in quiet activities.
 - b. A child who falls asleep in a place other than his designated sleeping location ~~shall be moved to such location if uncomfortable or unsafe~~ may remain if comfortable and safe.
 - c. Sleeping toddlers shall be individually checked every 30 minutes.

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3. Meals and snacks as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

4. Small and large motor activities, language and communication experiences, sensory experiences, art or music activities, and play acting or social living.

B. Staff shall encourage language development by ~~personal~~ having conversations ~~giving with~~ children that give them time to initiate and respond, by labeling and describing objects and events, and by expanding their ~~language~~ vocabulary.

22 VAC 15-30-481. Daily activities for school age children.

A. Before or after school, the center shall provide an opportunity for children to do homework or projects or hobbies in a suitable area. In the afternoon, there shall be an opportunity for large motor activities at least 25% of the time.

B. On nonschool days, the daily activity shall include opportunities for large motor activities at least 25% of the time; small motor activities; projects, hobbies, or homework in a suitable place; art or music activities; outdoor activity in accordance with 22 VAC 15-30-471 A 1 and food as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

Exception: Specialty camps are not required to meet the requirements of this subsection.

22 VAC 15-30-484. Behavioral guidance.

A. In order to promote the child's physical, intellectual, emotional, and social well-being and growth, staff shall interact with the child and one another to provide needed help, comfort, support and:

1. Respect personal privacy;
2. Respect differences in cultural, ethnic, and family backgrounds;
3. Encourage decision-making abilities;
4. Promote ways of getting along;
5. Encourage independence and self-direction; and
6. Use consistency in applying expectations.

B. Behavioral guidance shall be constructive in nature, age and stage appropriate, and shall be intended to redirect children to appropriate behavior and resolve conflicts.

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C. When a child causes an endangerment to himself or others, staff may take actions to physically restrain or remove the child, provided that such actions are consistent with the provisions of 22 VAC 15-30-487.

22 VAC 15-30-487. Forbidden actions.

The following actions or threats thereof are forbidden:

1. Physical punishment, striking a child, roughly handling or shaking a child, restricting movement through binding or tying, forcing a child to assume an uncomfortable position, or exercise as punishment;
2. Enclosure in a small confined space or any space that the child cannot freely exit himself; however, this does not apply to the use of equipment such as cribs, play yards, high chairs, and safety gates when used with children preschool age or younger for their intended purpose;
3. Punishment by another child;
4. Separation from the group so that the child is away from the hearing and vision of a staff member;
5. Withholding or forcing of food or rest;
6. Verbal remarks which are demeaning to the child;
7. Punishment for toileting accidents; and
8. Punishment by applying unpleasant or harmful substances.

22 VAC 15-30-490. Parental involvement.

A. Before the child's first day of attending, parents shall be provided in writing the following:

1. The center's philosophy and any religious affiliation;
2. Operating information, including the hours and days of operation and holidays or other times closed, and the phone number where a message can be given to staff;
3. ~~Transportation safety policies and those for the arrival and departure of children. Such policies shall include procedures for picking up children after closing, for when a child is not picked up, for release of children only to those who have been authorized in writing, and street safety.~~ The center's transportation policy;
4. The center's policies for the arrival and departure of children including procedures for picking up

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children after closing, for when a child is not picked up for emergency situations including but not limited to inclement weather or natural disasters, and for release of children only to those who have been authorized in writing.

~~4-5.~~ The center's policy regarding any medication or medical procedures that will be given;

~~5.~~ 6. Description of established lines of authority for staff;

~~6.~~ 7. Policy for ~~paid staff to report~~ reporting suspected child abuse as required by § 63.1-248.3 of the Code of Virginia;

~~7.~~ 8. Policy for communicating an emergency situation with parents;

~~8.~~ 9. The appropriate general daily schedule for the age of the enrolling child;

~~9.~~ 10. Food policies;

~~10-11.~~ Discipline policies including acceptable and unacceptable discipline measures; and

~~11-12.~~ Termination policies.

B. Staff shall promptly inform parents when persistent behavioral problems are identified; such notification shall include any disciplinary steps taken in response.

C. A custodial parent shall be admitted to any child day program. Such right of admission shall apply only while the child is in the child day program (§ 63.1-210.1 of the Code of Virginia).

D. The center shall provide opportunities for parental involvement in center activities.

E. Communication.

1. For each infant, the center shall post a daily record which can be easily accessed by both the parent and the staff working with the child. The record shall contain the following information:

- a. The amount of time the infant slept;
- b. The amount of food consumed and the time;
- c. A description and time of bowel movements; and
- d. Developmental milestones.

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e. For infants, who are awake and cannot turn over by themselves, the amount of time spent on their stomach.

2. If asked by parents, staff shall provide feedback about daily activities, physical well-being, and developmental milestones.
3. Parents shall be provided at least semiannually, either orally or in writing, information on their child's development, behavior, adjustment, and needs. Short-term programs (as defined in 22 VAC 15-30-10) are exempt from this requirement.
4. Parents shall be informed of reasons for termination of services.

22 VAC 15-30-500. Equipment and materials.

- A. Furnishings, equipment, and materials shall be of an appropriate size for the child using it.
- B. Materials and equipment available shall be age and stage appropriate for the children and shall include an adequate supply as appropriate for each age group of arts and crafts materials, texture materials, construction materials, music and sound materials, books, social living equipment, and manipulative equipment.
- C. Play equipment used by children shall meet the following requirements:
 1. Openings above the ground or floor which allow a 3½-inch by 6¼-inch rectangle to fit through shall also allow a nine-inch circle to fit through;
 2. ~~Have closed~~ S-hooks where provided may not be open more than the thickness of a penny; and
 3. Have no protrusions, sharp points, shearing points, or pinch points.
- D. The unenclosed climbing portion of slides and climbing equipment used by toddlers and preschool children shall not be more than seven feet high where outdoors and shall not be more than five feet high where indoors. The climbing portions of indoor slides and climbing equipment over 18 inches shall not be over bare flooring. The climbing portions of indoor slides and climbing equipment 36 inches or more shall be located over a resilient surface padding of two or more inches or other materials that have been certified by the manufacturer to be shock-absorbing resilient material in accordance with the American Society for Testing and Materials Standard 1292 when installed, maintained and replaced according to the manufacturer's instructions.
- E. If combs, toothbrushes, or other personal articles are used, they shall be individually assigned.
- F. Disposable products shall be used once and discarded.

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- G. Provision shall be made for an individual place for each child's personal belongings.
- H. Infant walkers shall not be used.
- I. Play yards where used shall:
1. Meet the Juvenile Products Manufacturers Association (JPMA) and the American Society for Testing and Materials (ASTM) requirements at the time they were manufactured;
 2. Not be used after recalled;
 - ~~2.~~ 3. Not use any pillows or filled comforters;
 - ~~3.~~ 4. Not be used for the designated sleeping areas;
 4. 5. Not be occupied by more than one child; and
 - ~~5.~~ 6. Be ~~cleaned~~ sanitized each day of use ~~with an antibacterial agent~~ or more often as needed.
- J. Where portable water coolers are used, they shall be of cleanable construction, maintained in a clean and sanitary condition, kept securely closed and so designed that water may be withdrawn from the container only by water tap or faucet.
- K. Drinking water which is transported to camp sites shall be in closed containers.
- L. Therapeutic child day programs and special needs child day programs serving children who use wheelchairs shall provide cushioned vinyl-covered floormats for use when activities require children to be out of their wheelchairs.

22 VAC 15-30-510. Cribs, cots, rest mats, and beds.

- A. Cribs, cots, rest mats or beds shall be provided for children during the designated rest period and not be occupied by more than one child at a time ~~shall occupy a crib, cot, rest mat, or bed.~~
- B. Cribs, cots, rest mats, and beds shall be identified for use by a specific child.
- C. Double decker cribs, cots, or beds, or other sleeping equipment when stacked shall not be permitted.
- D. Occupied cribs, cots, rest mats, and beds shall be at least 2½ feet from any heat producing appliance.

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E. There shall be at least 12 inches of space between occupied cots, beds, and rest mats.

Exception: Twelve inches of space are not required where cots, beds, or rest mats are located adjacent to a wall or a ~~screen~~ divider as long as one side is open at all times to allow for passage.

F. If rest mats are used, they shall have cushioning and be sanitized ~~between each use~~ weekly.

G. Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot or mat.

H. Cribs shall meet the following requirements:

1. They shall meet the Consumer Product Safety Commission Standards at the time they were ~~made~~ manufactured;

~~2.~~ 2. They shall not have been recalled;

~~2.~~ 3. There shall be no more than six centimeters or 2-3/8 inches of space between slats;

~~3.~~ 4. There shall be no more than one inch between the mattress and the crib; and

~~4.~~ 5. End panel cut-outs in cribs shall be of a size not to cause head entrapment.

I. Cribs shall be placed where objects outside the crib such as cords from blinds or curtains are not within reach of infants or toddlers.

J. There shall be at least:

1. Twelve inches of space between the sides and ends of occupied cribs except where they touch the wall; and

2. Thirty inches of space between service sides of occupied cribs and other furniture where that space is the walkway for staff to gain access to any occupied crib.

K. Crib sides shall be up and the fastenings secured when a child is in the crib, except when staff is giving the child immediate attention.

L. Pillows and filled comforters shall not be used by children under two years of age.

M. Use of crib bumper pads shall be prohibited.

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22 VAC 15-30-520. Linens.

- A. Cribs, cots, and beds used by children shall have linens consisting of a top cover and a bottom cover or a one-piece covering which is open on three edges.
- B. Linens shall be assigned for individual use.
- C. Linens shall be clean ~~and sanitary~~ and shall be washed at least weekly. Crib sheets shall be ~~cleaned and sanitized~~ clean and washed daily.
- D. Pillows when used shall be assigned for individual use and covered with pillow cases.
- E. Mattresses when used shall be covered with a waterproof material which can be cleaned and sanitized.

22 VAC 15-30-530. (Repealed.)

22 VAC 15-30-540. Swimming and wading activities; staff and supervision.

- A. The staff-to-children ratios required by 22 VAC 15-30-440 ~~E,F,G and H~~ shall be maintained while children are participating in swimming or wading activities. Notwithstanding the staff-to-children ratios already indicated, at no time shall there be fewer than two staff members supervising the activity. The designated ~~water safety instructor or senior lifesaver~~ certified lifeguard shall not be counted in the staff-to-children ratios.
- B. If a pool, lake, or other swimming area has a water depth of more than two feet, a ~~water safety instructor or senior lifesaver~~ certified lifeguard holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water. The certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.

22 VAC 15-30-550. Pools and equipment.

- A. When permanent swimming or wading pools are located on the premises of the center, the following shall apply:
 - 1. The manufacturer's specifications for operating the pool shall be followed as well as any local ordinances and any Department of Health requirements for swimming pools;
 - 2. Pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official when such approval is required;

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3. Outdoor swimming pools shall be enclosed by safety fences and gates which are in compliance with the applicable edition of the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) and shall be kept locked when the pool is not in use;

4. Entrances to indoor swimming pools shall be locked when the pool is not in use; and

5. A whistle or other audible signaling device, a buoy or a lemon line, a reach pole, and a backboard shall be available at the swimming or wading site.

B. If children are allowed to swim in a lake or other place other than a pool, safe swimming areas shall be clearly marked and there shall be appropriate water safety equipment.

C. Piers, floats, and platforms shall be in good repair and where used for diving, the minimum water depth shall be stated on the deck or planking.

D. If portable wading pools without integral filter systems are used, they shall be emptied ~~of dirty water and after each use,~~ filled with clean water for ~~each day's use and~~ the use of each group or more frequently as necessary.

22 VAC 15-30-560. Swimming and wading; general.

A. ~~The~~ When the center has a swimming pool on the premises, it shall have emergency procedures and written safety rules for swimming or wading that are:

1. Posted in the swimming area when the pool is located on the premises of the center; and
2. Explained to children participating in swimming or wading activities.

B. The center shall maintain written permission from the parent of each child who participates in swimming or wading, which shall include a statement advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.

~~C. Staff shall have a system for accounting for all children in the water;~~

~~D. C.~~ Outdoor swimming activities shall occur only during daylight hours unless underwater and deck lighting is provided.

~~E. D.~~ Children who are not toilet trained shall not use portable wading pools.

PART VII.

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SPECIAL CARE PROVISIONS AND EMERGENCIES.

22 VAC 15-30-570. Preventing the spread of disease.

~~A. If a child arrives at the center with the signs or symptoms listed in subsection B of this section, the child shall not be allowed to attend for that day.~~

~~B. A. Unless otherwise instructed by the child's health care provider, that child shall be excluded~~ A child shall not be allowed to attend the center for the day if he has:

1. ~~If he has a~~ A temperature over 100° F 101°F;

2. ~~If he has recurrent~~ Recurrent vomiting or diarrhea; or

3. ~~As recommended in the Virginia Department of Health's current communicable disease chart~~ A communicable disease.

~~C. B.~~ If a child needs to be excluded according to subsection ~~B~~ A of this section, the following shall apply:

1. Arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed; and

2. The child shall remain in the designated quiet area until leaving the center.

~~D. C.~~ When a child at the center has been exposed to a communicable disease ~~listed in the Department of Health's current communicable disease chart~~, the parent shall be informed unless forbidden by law. The center shall consult the local Department of Health if there is a question about the communicability of a disease.

D. When any surface has been contaminated with body fluids it shall be cleaned and sanitized.

22 VAC 15-30-575. Hand washing and toileting procedures.

A. Hand washing.

1. Children's hands shall be washed with soap and running water or disposable wipes before and after eating meals or snacks; Children's hands shall be washed with soap and running water after toileting; and ~~after any contact with body fluids~~ blood, feces or urine.

Exception: If running water is not available, individual basins of clean water shall be used. Note: A germicidal cleansing agent administered per manufacturer's instruction may be used in addition to

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required hand washing.

2. Staff shall wash their hands with soap and running water ~~or germicidal cleansing agent and water~~ before and after helping a child use the toilet or a diaper change, after the staff member uses the toilet, after any contact with body fluids, and before feeding or helping children with feeding.

B. Diapering; soiled clothing.

1. ~~The diapering area shall allow for sight and sound supervision of other children in the classroom or be accessible and within the building used by children if the required staff to children ratios are maintained while children are being diapered.~~ There shall be sight and sound supervision for all children when a child is being diapered.

2. The diapering area shall be provided with the following:

a. A sink with running warm water not to exceed 120°F;

b. Soap ~~or germicidal cleaning agent~~, disposable towels and single use gloves such as surgical or examination gloves;

c. A nonabsorbent surface for diapering ~~which, for~~ or changing shall be used. For children younger than three years, this surface shall be a changing table or countertop designated for changing;

d. The appropriate disposal container as required by subdivision 5 of this subsection; and

e. A leakproof covered receptacle for soiled linens.

3. ~~When a child's clothing or diaper becomes wet or soiled, it shall be changed immediately. The child's soiled area shall be thoroughly cleaned with a disposable wipe or sanitized washcloth for each child the child shall be cleaned and changed immediately.~~

4. Disposable diapers shall be used unless the child's skin reacts adversely to disposable diapers.

5. Disposable diapers shall be disposed in a leakproof or plastic-lined storage system that is not hand operated. When cloth diapers are used, a separate leakproof storage system that is not hand operated shall be used.

6. The diapering surface shall ~~only~~ be used only for diapering or cleaning children, and it shall be ~~washed~~ cleaned with soap and ~~warm at least room temperature water or a germicidal cleansing agent~~ and sanitized after each use. Tables used for children's activities or meals shall not be used for changing diapers.

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7. Staff shall ensure the immediate safety of a child during diapering.

C. Toilet training.

For every 10 children in the process of being toilet trained, there shall be at least one toilet chair or one child-sized toilet, or at least one adult sized toilet with a platform or steps and adapter seat. The location of these items shall allow for sight and sound supervision of children in the classroom if necessary for the required staff-to-children ratios to be maintained. Toilet chairs shall be emptied promptly and sanitized after each use.

22 VAC 15-30-580. Medication.

A. Prescription and nonprescription medication shall be given to a child according to the center's written medication policies and only with written authorization from the parent and administered by the staff member trained in accordance with 22 VAC 15-30-310 D.

B. The center's procedures for administering medication shall ~~include~~:

1. Include any general restrictions of the center.

2. Be consistent with the manufacturer's instructions for age, duration and dosage.

~~2-3.~~ Include duration of the parent's authorization for medication, provided that it shall expire or be renewed after 10 work days. Long-term prescription drug use and over-the-counter medication may be allowed with written authorization from the child's physician and parent.

~~3-4.~~ Methods to prevent use of outdated medication.

C. The medication authorization shall be available to staff during the entire time it is effective.

D. Medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time or times to be given.

E. Medication shall be in the original container with the prescription label or direction label attached.

F. When needed, medication shall be refrigerated. When medication is stored in a refrigerator used for food, the medications shall be stored together in a container or in a clearly defined area away from food.

G. Medication, except for those prescriptions designated otherwise by written physician's order, including refrigerated medication and staff's personal medication, shall be kept in a locked place using a safe locking method that prevents access by children. If a key is used, the key shall not be accessible to

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the children.

H. Centers shall keep a record of medication given children which shall include the following:

1. Child to whom medication was administered;
2. Amount and type of medication administered to the child;
3. The day and time the medication was administered to the child;
4. Staff member administering the medication;
5. Any adverse reactions; and
6. Any medication error.

I. Staff shall inform parents immediately of any adverse reactions to medication administered and any medication error.

J. ~~Medication shall be returned to the parent as soon as the medication is no longer being administered.~~ When an authorization for medication expires, the parent shall be notified that the medication needs to be picked up.

22 VAC 15-30-585. Over-the-counter skin products.

A. If sunscreen is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. Sunscreen does not need to be kept locked but shall be inaccessible to children under five years of age or those children in a therapeutic child day program or special needs child day program; and
3. Any center-kept sunscreen shall be hypo-allergenic and have a minimum SPF of 15.

B. If diaper ointment or cream is used, the following requirements shall be met:

1. These products do not need to be kept locked but shall be inaccessible to children;
2. There shall be a record that includes the child's name, date of use, frequency of application and any adverse reactions; and

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3. Written parent authorization noting any known adverse reactions shall be obtained.

C. If insect repellent is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;

2. There shall be a record that includes the child's name, date of use, frequency of application and any adverse reactions;

3. Manufacturer's instructions for age, duration and dosage shall be followed; and

4. These products do not need to be kept locked but shall be inaccessible to children.

22 VAC 15-30-590. First aid training, cardiopulmonary resuscitation (CPR) and rescue breathing.

A. There shall be at least one staff member trained in first aid, cardiopulmonary resuscitation, and rescue breathing as appropriate to the age of the children in care who is on the premises during the center's hours of operation and also one person on field trips and wherever children are in care. This person shall be available to children and meet one of the following qualifications:

1. Has a current certification by the American Red Cross, American Heart Association, National Safety Council, or other designated program approved by the Department of Social Services; or
2. Is a R.N. or L.P.N. with a current license from the Board of Nursing.

B. Primitive camps shall have a staff member on the premises during the hours of operation who has successfully completed at least first responder training within the past three years.

22 VAC 15-30-600. First aid and emergency supplies.

A. A first aid kit shall be:

1. On each floor of each building used by children;
2. Accessible to outdoor play areas;
3. On field trips; and
4. Wherever children are in care.

B. Each first aid kit shall be easily accessible to staff but not to children.

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~~B-C.~~ The required first aid kits shall include at a minimum:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted types;
6. An antiseptic cleansing solution/pads;
7. Thermometer;
8. Triangular bandages;
9. Single use gloves such as surgical or examination gloves; and
10. The first aid instructional manual.

~~C. Each first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.~~

D. The following emergency supplies shall be required at the center and be available on field trips:

1. Syrup of ipecac ~~or~~ and activated charcoal preparation (to be used only on the advice direction of a physician or the Poison Control Center); and
2. An ice pack or cooling agent.

E. The following non-medical emergency supplies shall be required:

1. ~~A~~ One working, battery-operated flashlight on each floor of each building that is used by children; and
2. One working, battery-operated radio in each building used by children and any camp location without a building.

22 VAC 15-30-610. Procedures for emergencies.

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A. The center shall have an emergency evacuation plan that addresses staff responsibility with respect to:

1. Sounding of fire alarms and notification of local authorities;
2. Evacuation procedures including assembly points, head counts, primary and secondary means of egress, and checking to ensure complete evacuation of the buildings;
3. Fire containment procedures, e.g., closing of fire doors or other barriers; ~~and~~
4. Other special procedures developed with local authorities; ~~;~~ and
5. Accessibility of parent contact information.

B. Emergency evacuation procedures shall be posted in a location conspicuous to staff and children on each floor of each building.

C. The center shall implement these emergency evacuation procedures through monthly practice drills and shall maintain a record of the dates of the monthly drills for one year. For centers offering multiple shifts, the ~~evacuation procedures~~ simulated drills shall be divided evenly among the various shifts.

D. ~~A generic emergency number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone:~~ A 911 or local dial number for police, fire and emergency medical services shall be posted in a visible place at each telephone.

1. ~~A physician or hospital;~~
2. ~~An ambulance or rescue squad service;~~
3. ~~The local fire department; and~~
4. ~~The local police department.~~

E. The number of a the regional poison control center shall be posted in a ~~conspicuous~~ visible place ~~near at each phone-telephone.~~

F. ~~If an ambulance service is not readily available within 10 to 15 minutes, other transportation, such as a private automobile, shall be available in case of emergency.~~

~~H.F.~~ Each camp location shall have an emergency plan and warning system.

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G. The center or other appropriate official shall notify the parent immediately if a child is lost ~~has a serious injury, needs emergency medical care, or dies~~, requires emergency medical treatment or sustains a serious injury. The center shall notify the parent by the end of the day of any known ~~significant~~ minor injuries. The center shall maintain a written record of children's serious and ~~significant~~ minor injuries in which entries are made the day of occurrence. The record shall include the following:

1. Date and time of injury;
2. Name of injured child;
3. Type and circumstance of the injury;
4. Staff present and treatment;
5. Date when parents were notified; ~~and~~
6. Any future action to prevent recurrence of the injury~~;~~;
7. Staff and parent signatures; and
8. Documentation on how parent was notified.

~~H. The camp shall have a warning system. Staff and campers shall be trained in this warning system.~~

PART VIII. SPECIAL SERVICES.

22 VAC 15-30-620. Nutrition and food services.

A. Centers shall schedule appropriate times for snacks or meals, or both, based on the hours of operation and time of the day; e.g., a center open only for after school care shall schedule an afternoon snack; a center open from 7 a.m. to 1 p.m. shall schedule a morning snack and midday meal.

B. The center shall ensure that children arriving from a half-day, morning program who have not yet eaten lunch receive a lunch.

C. The center shall schedule snacks or meals so there is a period of at least 1½ hours but no more than three hours between each meal or snack unless there is a scheduled rest or sleep period for children between the meals and snacks.

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D. Drinking water or other beverage not containing caffeine shall be offered at regular intervals to nonverbal children.

E. In environments of 80°F or above, attention shall be given to the fluid needs of children at regular intervals. Children in such environments shall be encouraged to drink fluids as outlined in subsection D of this section.

F. When centers choose to provide meals or snacks, the following shall apply:

1. Centers shall follow the ~~most recent~~ age appropriate nutritional requirements of a recognized authority such as the ~~Child and Adult Care Food Program of the~~ United States Department of ~~Agriculture~~ Agriculture's (USDA) nutritional guidelines.

2. Centers offering both meals and snacks shall serve a variety of nutritious foods and shall serve at least three sources of vitamin A and at least three sources of vitamin C on various days each week.

3. A menu listing foods to be served for meals and snacks during the current one-week period shall:

a. Be dated;

b. Be posted in a location conspicuous to parents or given to parents;

c. List any substituted food; and

d. Be kept on file for one week at the center.

4. Powdered milk shall not be used except for cooking.

G. When food is brought from home, the following shall apply:

1. The sealed food container shall be clearly dated and labeled in a way that identifies the owner;

2. The center shall have extra food or shall have provisions to obtain food to serve to children so they can have an appropriate snack or meal if they forget to bring food from home, bring an inadequate meal or snack, or bring perishable food; and

3. Unused portions of opened food shall be discarded by the end of the day or returned to the parent.

H. If a catering service is used, it shall be approved by the local health department.

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- I. Food shall be prepared, stored, and transported in a clean and sanitary manner.
- J. Contaminated or spoiled food shall not be served to children.
- K. Children shall be encouraged to feed themselves. Staff shall sit with children during meal times. No child shall be allowed to drink or eat while walking around.

22 VAC 15-30-630. Special feeding needs.

- A. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed. Children using infant seats or high chairs shall be supervised during snacks and meals. When a child is placed in an infant seat or high chair, the protective belt shall be fastened securely.
- B. Bottle fed infants who cannot hold their own bottles shall be held when fed. Bottles shall not be propped.
- C. The record of each child on formula shall contain:
 - 1. The brand of formula; and
 - 2. The child's feeding schedule.
- D. Infants shall be fed on demand or in accordance with parental instructions.
- E. Prepared infant formula shall be refrigerated, dated and labeled with the child's name. Heated formula and baby food shall be stirred or shaken and tested for temperature before serving to children. Milk, formula or breast milk may not be heated or warmed directly in the microwave. Note: Water for warming milk, formula, or breast milk may be heated in a microwave.
- F. Formula, bottled breast milk, and prepared baby food not consumed during that feeding by an infant may be used by that same infant later in the same day, if dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day. Formula or breast milk shall not remain unrefrigerated for more than one hour.
- G. A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.
- H. Breastfeeding shall be permitted.
- I. Staff shall feed semisolid food with a spoon unless written instructions from a physician and/or physician designee state differently.

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J. For therapeutic child day programs and special needs child day programs, the consistency of food shall be appropriate to a child's special feeding needs. Necessary and adaptive feeding equipment and feeding techniques shall be used for children with special feeding needs.

22 VAC 15-30-640. Transportation and field trips.

A. If the center provides transportation, the center shall be responsible from the time the child boards the vehicle until returned to the parents or person designated by the parent.

B. Any vehicle used by the center for the transportation of children shall meet the following requirements:

1. The vehicle shall be manufactured for the purpose of transporting people seated in an enclosed area;
2. The vehicle's seats shall be attached to the floor;
3. The vehicle shall be insured with at least the minimum limits established by Virginia state statutes;
4. The vehicle shall meet the safety standards set by the Department of Motor Vehicles and shall be kept in satisfactory condition to assure the safety of children; and
5. If volunteers supply personal vehicles, the center is responsible for ensuring that the requirements of this subsection are met.

C. The center shall ensure that during transportation of children:

1. Virginia state statutes about safety belts and child restraints are followed;
2. The children remain seated and each child's arms, legs, and head remain inside the vehicle;
3. Doors are closed properly and locked unless locks were not installed by the manufacturer of the vehicle;
4. At least one staff member or the driver always remain in the vehicle when children are present;
5. The following information is in transportation vehicles:
 - a. Emergency numbers as specified in 22 VAC 15-30-610 D and E;
 - b. The center's name, address, and phone number; and

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- c. A list of the names of the children being transported.

- D. When entering and leaving vehicles, children shall enter and leave the vehicle from the curb side of the vehicle or in a protected parking area or driveway.

- E. Children shall cross streets at corners or crosswalks or other designated safe crossing point if no corner or crosswalk is available.

- F. The staff-to-children ratios of 22 VAC 15-30-440 E, G and H shall be followed on all field trips. The staff-to-children ratios need not be followed during transportation of children to and from the center.

- G. The center shall make provisions for providing children on field trips with adequate food and water.

- H. If perishable food is taken on field trips, the food shall be stored in insulated containers with ice packs to keep the food cold.

- I. Before leaving on a field trip, a schedule of the trip's events and locations shall be posted and visible at the center site.

- J. There shall be a communication plan between center staff and staff who are transporting children or on a field trip.

- K. Staff shall verify that all children have been removed from the vehicle at the conclusion of any trip.

- K. L. Parental permission for transportation and field trips shall be secured before the scheduled activity. If a blanket permission is used instead of a separate written permission, the following shall apply:
 - 1. Parents shall be notified of the field trip; and
 - 2. Parents shall be given the opportunity to withdraw their children from the field trip.

22 VAC 15-30-650. Transportation for nonambulatory children.

- A. For therapeutic child day programs and special needs child day programs providing transportation, nonambulatory children shall be transported in a vehicle which is equipped with a ramp or hydraulic lift to allow entry and exit.

- B. Wheelchairs shall be equipped with ~~seat belts~~ restraining devices and shall be securely fastened to the floor when used to seat children in a vehicle.

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- C. Arrangements of wheelchairs in a vehicle shall not impede access to exits.
- D. For therapeutic child day programs and special needs child day programs, when the center is responsible for providing transportation, the center shall develop a plan based on the needs of the children in care to assure their safe supervision during on-loading, off-loading and transporting and when 16 or more children are being transported, there shall be at least one center aide or adult besides the driver, for each group of 16.
- E. For therapeutic child day programs and special needs child day programs, if a child has a known seizure disorder or neurological, genetic or physiological disability causing increased medical risk and that child is being transported, one center aide or adult who is not the driver and who is trained in CPR shall be present in the vehicle.

22 VAC 15-30-660. Animals and pets.

- A. Animals that are kept on the premises of the center shall be vaccinated, if applicable, against diseases which present a hazard to the health or safety of children.
- B. Animals which are, or are suspected of being, ill or infested with external lice, fleas and ticks or internal worms shall be removed from contact with children.
- C. If a child is bitten by an animal, an attempt shall be made to confine the animal for observation or laboratory analysis for evidence of rabies. The site of the bite shall be washed with soap and water immediately, and the child's physician or local health department shall be contacted as soon as possible for medical advice. The center shall report the animal bite incident to the local health department
- D. Manure shall be removed from barns, stables and corrals at least once a day and stored and disposed of in a manner to prevent the breeding of flies.

22 VAC 15-30-670. Evening and overnight care.

- A. For evening care, beds with mattresses or cots with at least one inch of dense padding shall be used by children who sleep longer than two hours and are not required to sleep in cribs.

Exception: Camps providing evening ~~or overnight~~ care to school age children on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

- B. For overnight care, beds with mattresses or cots with at least two inches of dense padding shall be used by children who are not required to sleep in cribs.

Exception: Camps providing ~~evening or~~ overnight care to school age children on an occasional basis

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are not required to meet the requirements of this subsection if sleeping bags or cots are used.

C. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be used.

D. In addition to 22 VAC 15-30-520 about linens, bedding appropriate to the temperature and other conditions of the rest area shall be provided.

E. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex eight years of age or older.

F. If sleeping bags are used, 22 VAC 15-30-510 A through E about rest furnishings shall also apply to the use of sleeping bags.

G. Camps may use bunk beds if children are at least eight years of age.

H. In centers providing overnight care, an operational tub or shower with heated and cold water shall be provided.

Exception: Primitive camps are not required to have a tub or shower.

I. When bath towels are used, they shall be assigned for individual use.

J. Activities for children in evening or overnight care shall include, as time allows, age-appropriate activities as described in 22 VAC 15-30-451 through 22 VAC 15-30-481.

K. Quiet activities ~~and experiences~~ shall be available immediately before bedtime.

L. For children receiving evening or overnight care, the provider shall offer an evening snack.

22 VAC 15-30-680. (Repealed.)

22 VAC 15-30-690. (Repealed.)

22 VAC 15-30-700. (Repealed.)

22 VAC 15-30-710. (Repealed.)

22 VAC 15-30-720. (Repealed)

22 VAC 15-30-730. (Repealed)