

CDC LICENSING WORKGROUP

November 29, 2022



AGENDA

- I. Reflection of Work Completed
- II. Summary of Changes
- III. Part-by-Part Review of Substantive Changes
- IV. Cost Impact for Providers
- V. Reflective Questions
- VI. Closing Remarks and Next Steps

Reflection of Work Completed

WORKGROUP ACCOMPLISHMENTS TO DATE

- The workgroup, which represents diverse stakeholders from programs as well as early childhood experts, has met 7 times since early 2022 and has thoroughly reviewed the standards.
- Field experts provided recommendations based on prior experience from inspections and interactions with providers.
- VDOE has gathered all feedback and revised regulations based on feedback.
- The next step is to finalize the Workgroup Recommendations for the ECAC.

OUR SHARED GOAL

As a result of our changes, these regulations:

- Are easier to read and understand;
- Assist providers with an improved understanding of the requirements; and
- Improve the health and safety of children in licensed child care.



Summary of Changes

SUMMARY OF TYPES OF CHANGES

These revised regulations reflect three types of changes:

- *New Regulations*: New regulations have been added to better protect children, typically based on state or federal requirements or based on best practice or evidence.
- *New Flexibility*: Additional language has been added to offer more flexibility to providers on how to meet expectations.
- *Clarifying Language*: Some standards in the current regulations are vague and unclear so additional language has been added to ensure clarity and to ensure that regulations are enforced in a way that is not arbitrary or capricious.

COMPARISON OF REGULATIONS

These revised regulations contain more parts and sections and reflect ~30% more words than the current regulations:

8VAC20-780

- 8 Parts
- 61 Sections
- Total # of Standards (high level)
- Word count = 22,053

8VAC20-781

- 12 Parts
- 94 Sections
- Total # of Standards (high level)
- Word count = 28,349

We previously reduced the General Procedures and Background Check Regulations from 19,760 words to 7,379, a reduction of 60%, without reducing protections for young children.

KEY TAKEAWAYS

Here are the key takeaways:

1. The workgroup has reorganized the standards to group similar content areas together and allow for ease of use by providers.
2. The workgroup has added descriptive language to the standards and additional definitions to provide clarity and understanding.
3. The workgroup has added requirements and intentionally used specific terminology to better align the standards with federal requirements, best practices, and building a unified early childhood system.

KEY TAKEAWAYS

Continued key takeaways:

4. The workgroup has built in additional staff qualifications and flexibility for professional development opportunities to allow relief from hiring challenges and provide cost saving measures, while still ensuring staff are adequately trained.
5. The workgroup removed standards that did not present a risk to children and were considered burdensome or duplicative in nature.

Part-by-Part Review of Substantive Changes

REVIEW OF CHANGES- GENERAL

- Edits include comments and feedback along with a comprehensive review completed by the team.
- Changes incorporate technical corrections to ease reading:
 - Removed duplicative language;
 - Adjusted lettering and numbering; and
 - Relocated misplaced standards.
- Text in red and highlighted represents new language. Text that is black and highlighted represents a technical change or move without change to a requirement.
- No changes were made to Parts XI and XII.

REVIEW OF CHANGES- PART I

8VAC20-781-10 Definitions

- Revised the definition of "assistant teacher" to include education as a component of responsibilities.
- Revised the definition “child with special needs” to replace emotional disturbance with ‘emotional disability’ to be consistent with the use of the term and to remove any negative association with the term.
- Added the definition “date of employment”. Date of employment means the date on which an employee first receives compensation to include orientation training.

REVIEW OF CHANGES- PART I

8VAC20-781-10 Definitions

- Revised the definition of "director" to include education as a component of responsibilities.
- Revised the definition of “fall height” to incorporate the definition of a designated play surface.
- Revised the definition of “lead teacher” to include education as a component of responsibilities.

REVIEW OF CHANGES- PART I

8VAC20-781-10 Definitions

- Revised the definition of “lockdown” to include a security threat inside or outside the building.
- Added the definition of “play yard” to mean a framed enclosure with mesh or fabric sides. Play yards provide playing accommodations for a child who cannot climb out and are less than 35 inches in height.
- Revised the definition of “serious injury” to include injuries to the face.

REVIEW OF CHANGES PART II

8VAC20-781-40. Operational responsibilities.

- Revised to add food intolerances to the information required in the list of allergies, sensitivities and dietary restrictions.
- Revised to add language to allow the list to be posted, displayed, or shared with the parent's consent.

REVIEW OF CHANGES PART II

8VAC20-781-50. Required policies and procedures.

- Removed the required policy for method of maintaining resilient surfacing and includes checking to ensure resilient surfacing to requirement for inspecting the playground.
- Included additional occurrences to consider in policy for supervising children who arrive when the assigned group is offsite or not in the assigned room.
- Added written procedure for the storage of breast milk.
- Language added to require reasonable accommodations when necessary to procedures for inclusion.

REVIEW OF CHANGES PART II

8VAC20-781-50. Required policies and procedures.

- Language added to clarify that written safety rules for swimming or wading is required if a pool is located on the premises or will be used during a field trip.
- Added language to ensure that medication policies for nonprescription medication are consistent with manufacturer's instructions.
- Added a requirement for the center's current policies and procedures to be readily accessible to all staff.

REVIEW OF CHANGES PART II

8VAC20-781-70. Children's records.

- Revised to add food intolerances to the information required in the file to be consistent with the information required on the list to be available to staff.
- Chronic medical conditions added to the information required in the child's file. Additional language also added to the emergency preparedness section as required by CCDF program standards.
- Language added to clarify that accommodations agreed upon by the center must be documented in the child's record.

REVIEW OF CHANGES PART II

8VAC20-781-90. Attendance records; reports.

- Language to allow two business days for reporting an injury that required outside medical attention reported by the parent.

REVIEW OF CHANGES PART II

8VAC20-781-100. Immunizations for children.

- Language revised to clarify that documentation of immunizations is not required when a center assumes responsibility for the child directly from the school or the center transfers responsibility of the child directly to the school.
- Additional language added to clarify that a statement verifying the school's possession of the immunization record is required when the center is located on the same premises where a child attends school, and to remove the requirement that the school's records be available during the center's operating hours.

REVIEW OF CHANGES PART II

8VAC20-781-110. Physical examinations for children.

- Language revised to clarify that documentation of a physical examination is not required when a center assumes responsibility for the child directly from the school or the center transfers responsibility of the child directly to the school
- Additional language added to clarify that a statement verifying the school's possession of the physical examination record is required when the center is located on the same premises where a child attends school, and to remove the requirement that the school's records be available during the center's operating hours.

REVIEW OF CHANGES PART II

8VAC20-781-120. Form and content of immunizations and physical examination reports for children.

- Language added to allow an electronic immunization record if the information includes the date the immunization was received and the individual who administered the immunization is included.

REVIEW OF CHANGES PART III

8VAC20-781-180. Lead teacher qualifications.

- Language added to allow training to qualify as a lead teacher to be completed within 60 days after being promoted or beginning work.
- Language added to allow training to be completed prior to being promoted or beginning work. This allows training completed at another program to be counted.

REVIEW OF CHANGES PART III

8VAC20-781-220. Orientation training.

- Revised to add orientation on care requirements related to the care and development of children with special needs to the list of topics.
- Revised to ensure that staff are informed of and oriented to children's allergies, sensitivities, food intolerances, and dietary restrictions.

REVIEW OF CHANGES PART III

8VAC20-781-220. Orientation training.

- Technical change to clarify that cooperative preschools are not required to complete orientation.
- Additional clarification added for the documentation of training to specify that the signature to verify training must be the staff receiving the training.
- Revised to clarify that ongoing training may not include training completed to meet the requirements of orientation requirements unless otherwise noted in the standards.

REVIEW OF CHANGES PART III

8VAC20-781-230. Ongoing training.

- Technical change to clarify that cooperative preschools are required to complete four hours of training annually.
- Revised to clarify that the Virginia Department of Education sponsored orientation preservice training course required in 8VAC20-781-220 A, and the prelicensure orientation training required in 8VAC20-781-220 I may count toward the annual training hours in addition to MAT and DHO.

REVIEW OF CHANGES PART III

8VAC20-781-250. Daily health observation training.

- Language added to require daily health observation training to be taught by a health care professional or obtained through a Department-promoted course
- Adds a requirement that only allows a trained staff member or individual from an independent contractor to conduct a health observation.

REVIEW OF CHANGES PART IV

8VAC20-781-320. Hazardous substances and other harmful agents.

- Language added to include sanitizing materials to the list of hazardous, toxic and potentially hazardous substances and chemicals.

REVIEW OF CHANGES PART IV

8VAC20-781-360. Indoor and outdoor play areas and equipment.

- Revised requirement to correct use zone requirement for slides. Revised language is in alignment with most current CPSC guidelines in the Public Playground Safety Handbook.

REVIEW OF CHANGES PART V

8VAC20-781-370. Supervision of children.

- Revised to retain current requirement for an additional staff to be available during an emergency.

REVIEW OF CHANGES PART VI

8VAC20-781-420. Daily Activities.

- Revised to incorporate curriculum and educational use for media.
- Language added to allow flexibility for media use with children under two in lieu of prohibiting altogether.
- Language added to allow more flexibility for the use of media for curriculum or educational content.

REVIEW OF CHANGES PART VI

8VAC20-781-500. Parental involvement.

- Adds language to clarify that parents must be informed of updates to policies and procedures.
- Revised language requiring that parents have access to the center's full emergency preparedness plan and only requires the following to be available to and shared with parents:
 - Designated relocation site;
 - Method of communication with parents and emergency responders; and
 - Procedure to reunite children with a parent or authorized person designated by the parent.

REVIEW OF CHANGES PART VI

8VAC20-781-510. Parent Communication and Notification.

- Language revised to clarify requirement. Parents must be notified immediately of a serious injury (as defined in the standards) or any injury that requires medical or dental treatment.

REVIEW OF CHANGES PART VII

8VAC20-781-590. Preventing the spread of disease.

- Revised exclusion criteria and to remove subjective criteria and added clarifying language.
- Language revised to clarify that a fever above 100.4 is sufficient exclusion criteria.

REVIEW OF CHANGES PART VIII

8VAC20-781-650. General requirements for medication administration.

- Language added to define ‘in care of’ to the standard requiring that staff who meet medication requirements be immediately accessible and available for any child for whom emergency medications (such as albuterol, glucagon, and epinephrine auto injector) have been prescribed.

REVIEW OF CHANGES PART IX

8VAC20-781-740. Evacuation and relocation procedures.

- Chronic medical conditions added to the accommodations or special requirements for children to ensure safety during evacuation or relocation, shelter-in-place, and lockdown. Additional language also added as required by CCDF program standards.

REVIEW OF CHANGES PART X

8VAC20-781-790. Special feeding needs.

- Language added to ensure that all bottles are labeled with the child's name and date.
- Removed requirement for parents to provide the date breast milk was expressed.

Cost Impact for Providers

COST IMPACT FOR PROVIDERS

Due to the nature of these regulatory changes, there are both positive and negative potential cost implications:

- New regulations may require new purchases or upgrades, increase operating expenses and/or require more staff time (which can increase the need for staff).
- Clarifying language can either increase or decrease costs, depending on how programs were interpreting regulations.
- Additional flexibility should enable programs to be more cost-efficient and may potentially decrease costs.
- Removing burdensome administrative requirements (reference checks, staff information, parent and emergency contact information) may save staff time and cost.

POTENTIAL FISCAL IMPACT BY STANDARD

Proposed Standard	Potential Cost Savings	Potential Minimal Financial Impact	Potential Intermediate Financial Impact	Potential Significant Financial Impact
8VAC20-781-40		X		
8VAC20-781-50		X		
8VAC20-781-70	X			
8VAC20-781-100	X			
8VAC20-781-110	X			
8VAC20-781-120	X			
8VAC20-781-140	X			
8VAC20-781-160		X		
8VAC20-781-170	X			
8VAC20-781-180	X			
8VAC20-781-200		X		
8VAC20-781-230	X			
8VAC20-781-280			X	
8VAC20-781-350		X		
8VAC20-781-360		X	X	X
8VAC20-781-370	X			
8VAC20-781-560			X	
8VAC20-781-580			X	
8VAC20-781-610		X	X	
8VAC20-781-720	X			
8VAC20-781-890		X		
OVERALL	10	8	5	1

Reflective Questions

REFLECTIVE QUESTIONS

- To what extent do these new regulations help protect or lead to safer and healthier practices for young children in care?
- To what extent are these new regulations as clear, concise and streamlined as possible?
- To what extent do these regulations reduce or increase operational complexity for providers (and potentially families)?
 - *How can this be best justified and communicated?*
- To what extent do these regulations reduce costs and/or increase costs for providers (and potentially families)?
 - *How can this be best justified and communicated?*
- What additional changes, if any, are needed?

Closing Remarks and Next Steps

CLOSING REMARKS AND NEXT STEPS

- Thank you for your participation and thoughtful feedback. We value your input!
- Here are the next steps:
 - The team will read through the standards and make final tweaks to correct any grammatical or technical errors. No substantive edits will be made after today's discussion.
 - The endorsed draft regulation will be presented to the workgroup on November 29 for final endorsement, then the ECAC members at the December meeting for approval and endorsement.

CLOSING REMARKS AND NEXT STEPS

- Next steps continued:
 - The NOIRA and draft regulation will be submitted to the Board.
 - Staff usually requests that the Board approve the NOIRA on first and final review.
 - The NOIRA will be submitted for the Governor's review process and then is published in the Virginia Register of Regulations for a 30-day public comment period.