

**DRAFT Standards for Licensed Child Day Centers (8VAC20-781)**  
**Reference Document and Overview of Changes**  
**April 27, 2023**

**Index of Regulation**

**Part I: Introduction (pp. 2-5)**

- 8VAC20-781-10: Definitions.
- 8VAC20-781-20: Purpose and applicability.

**Part II: Administration (pp. 5-10)**

- 8VAC20-781-30: Operational responsibilities.
- 8VAC20-781-40: Required policies and procedures.
- 8VAC20-781-50: General recordkeeping
- 8VAC20-781-60: Children's records.
- 8VAC20-781-70: Staff records.
- 8VAC20-781-80: Attendance records; reporting.
- 8VAC20-781-90: Health provisions.

**Part III. Staff qualifications and training (pp.10-14)**

- 8VAC20-781-100: Director qualifications.
- 8VAC20-781-110: Director responsibilities.
- 8VAC20-781-120: Lead teacher qualifications.
- 8VAC20-781-130: Driver qualifications and requirements.
- 8VAC20-781-140: Orientation training.
- 8VAC20-781-150: Ongoing training.
- 8VAC20-781-160: First aid training and cardiopulmonary resuscitation (CPR).
- 8VAC20-781-170: Daily health observation training.
- 8VAC20-781-180: Medication administration training.
- 8VAC20-781-190: Driver training requirements.

**Part IV: Physical plant (pp.14-22)**

- 8VAC20-781-200: Initial approval from other agencies; requirements prior to initial licensure.
- 8VAC20-781-210: Annual and renewal approval from other agencies; requirements subsequent to initial licensure.
- 8VAC20-781-220: Building maintenance.
- 8VAC20-781-230: Hazardous substances and other harmful agents.
- 8VAC20-781-240: Areas.
- 8VAC20-781-250: Toileting areas and furnishings.
- 8VAC20-781-260: Indoor and outdoor play areas and equipment.

**Part V: Staffing and supervision (pp.22-26)**

- 8VAC20-781-270: Supervision of children.
- 8VAC20-781-280: Staff-to-children ratio and group size requirements.
- 8VAC20-781-290: Ratios and group size for balanced-mixed-age groupings.
- 8VAC20-781-300: Ratios during designated rest periods.
- 8VAC20-781-310: Ratios and supervision during transportation and field trips.

**Part VI. Program requirements and equipment (pp.26-36)**

- 8VAC20-781-320: Daily activities.
- 8VAC20-781-330: Daily care and activities for infants.
- 8VAC20-781-340: Resting and sleeping infants.
- 8VAC20-781-350: Daily care and activities for toddlers, twos and preschoolers.
- 8VAC20-781-360: Daily care and activities for school age children.
- 8VAC20-781-370: Daily care and activities for children with special needs.
- 8VAC20-781-380: Behavioral guidance.
- 8VAC20-781-390: Prohibited actions.

**Part VI. Program requirements and equipment (cont.) (pp.36-38)**

- 8VAC20-781-400: Parental involvement.
- 8VAC20-781-410: Parent communication and notification.
- 8VAC20-781-420: Parental agreements.
- 8VAC20-781-430: Equipment and materials.
- 8VAC20-781-440: Cribs, cots, rest mats, and beds.
- 8VAC20-781-450: Linens.
- 8VAC20-781-460: Swimming and wading.
- 8VAC20-781-470: Pools and equipment.

**Part VII: Preventing the spread of disease and infection control (pp.36-38)**

- 8VAC20-781-480: Preventing the spread of disease.
- 8VAC20-781-490: Hand washing.
- 8VAC20-781-500: Diapering and toileting.
- 8VAC20-781-510: Toilet training.

**Part VIII: Medication administration and topical skin products (pp.38-41)**

- 8VAC20-781-520: General requirements for medication administration.
- 8VAC20-781-530: Prescription medication.
- 8VAC20-781-540: Non-prescription medication.
- 8VAC20-781-550: Storage of medication.
- 8VAC20-781-560: Medication records.
- 8VAC20-781-570: Self-administered medication.
- 8VAC20-781-580: Topical skin products.

**Part IX: First aid, emergency supplies, and emergency preparedness and response (pp.41-44)**

- 8VAC20-781-590: First aid and emergency supplies.
- 8VAC20-781-600: Emergency preparedness and response plan.
- 8VAC20-781-610: Emergency response drills.

**Part X: Special services (pp.44-48)**

- 8VAC20-781-620: Nutrition and food services.
- 8VAC20-781-630: Special feeding needs.
- 8VAC20-781-640: Field trips.
- 8VAC20-781-650: Transportation.
- 8VAC20-781-660: Animals and pets.

**Part XI: Evening and overnight care programs (p.48)**

8VAC20-781-670: Evening and overnight care.

**Part XII: Therapeutic and special needs programs (pp.49-51)**

8VAC20-781-680: Applicability.

8VAC20-781-690: Assessments.

8VAC20-781-700: Individual service, recreation, education, or treatment plan.

8VAC20-781-710: Qualifications of staff.

8VAC20-781-720: Staff training.

8VAC20-781-730: Staff-to-children ratio requirements.

8VAC20-781-740: Equipment and materials.

8VAC20-781-750: Special feeding needs.

8VAC20-781-760: Transportation for non-ambulatory children.

## Overall Highlights

### **Ratio Flexibility:**

- Increases ratios for school-age children. Revised ratio is 1:20. Currently the ratio is 1:18 for children school-age eligible to 9 years.
- Adds a variance process for ratio and group sizes.

### **Staffing Flexibility:**

- Adds more entry-level qualifications for lead teachers and directors to help with recruitment and hiring.
- Increases flexibility for staffing to allow the absence of a lead teacher during first and last 90 minutes of operation; current standards only allow 60 minutes.
- Adds flexibility to allow the Virginia Preservice training and director prelicensure training (14 hours) to count toward annual training hours. All required training except for orientation now counts towards annual training requirement (16 hours).

### **Reduced Administrative Burden:**

- Reduces duplication of effort for providers and families related to documentation of immunization and physical examinations for school-age children who attend schools and child care settings.
- Reduces unnecessary testing by removing for repeat TB testing after VDH consultation.

## Overview of Requirements Removed

### **These revised regulations have removed:**

1. Requirements that are already included in the Code of Virginia. They now include references to the Code citation instead.
2. Standards unrelated to child health and safety.
3. Duplicative language.

### **Removed requirements include:**

- Standards that were duplication of Code were removed (e.g., operational responsibilities, background checks, references to General Procedures regulation).
- Standards that required unnecessarily burdensome administrative practices were removed (e.g., reference checks, staff information, elements of parent and emergency contact information that were irrelevant).
- Requirements unrelated to child health and safety such as activity requirements more related to quality.
- Certain qualifications such as 'good character and reputation', communication, ability to carry out responsibilities and other requirements related to business practice, along with building and facilities requirements not related to child safety (e.g., adult sized toilets).

Reference Document and Overview of Changes  
April 27, 2023

**Overview of Requirements Added**

These regulations have a minimal number of added requirements. They also use specific terminology to better align the standards with state and federal requirements, encourage best-in-class practices, and support the Commonwealth’s efforts to unify the early childhood care and education system. This includes:

- Replacing program leader and program director with lead teacher and director; adding fall height and replacing fall zones and resilient surfacing with use zones and protective surfacing; replacing department-approved orientation with preservice training; and replacing first responder training with emergency medical responder training.
- Enhancing requirements around choking, handwashing, safe sleep practice, swim safety and outdoor play areas; and adding lead assessments in buildings built before 1978.
- Adding the following for consistency with the Code:
  - Requirements to follow federal, state, or local laws and regulations.
  - Requirements for all potable water to be tested for lead (Code).
  - Requirement for carbon monoxide detectors (Code).
  - Code of Virginia reference, § 32.1-37 requiring the outbreak of a disease to be reported to the local health department.

**Key New Requirements**

Requirement	Brief Description	Page #
Aligned policies and procedures	Policies for food service, safety, and storage; inclusion for children with special needs; stock epinephrine; behavior guidance; safe drinking water; group size for school age to comply with federal law; and emergency preparedness and response during a pandemic.	p. 5-7
Enhanced training requirements	<ul style="list-style-type: none"> <li>▪ All staff now required to receive training on emergency preparedness and response and child abuse and neglect, not just direct care staff.</li> <li>▪ Driver training requirements added</li> <li>▪ Additional orientation requirement for directors.</li> </ul>	p. 12-15
Building and premises safety	<ul style="list-style-type: none"> <li>▪ Lead risk assessments required for buildings built before 1978.</li> <li>▪ Additional requirements for playground safety to include equipment and protective surfacing.</li> </ul>	p.15-16; p.19-22
Enhanced safe sleep practices	<ul style="list-style-type: none"> <li>▪ Specific requirements to prohibit infants from sleeping in car seats, or play equipment, restrictive clothing, and adaptive equipment without a signed statement from a physician.</li> <li>▪ Revised requirements align with updated AAP sleep guidelines.</li> </ul>	p. 27-28
Inclusion requirements for children with special needs	Policy now required to address children with special needs and requirements for ensuring that children with special needs receive care and activity opportunities appropriate to needs.	p.6; p. 29
Parent notification	Strengthens parent involvement and requires communication and notification regarding emergencies, behavior concerns, daily care of children and transportation.	p.30-32

Reference Document and Overview of Changes  
April 27, 2023

and communication		
Swimming	<ul style="list-style-type: none"> <li>▪ Safeguards added for children during swimming and wading activities to include requirements for active supervision and accountability.</li> <li>▪ Requirement added for one lifeguard to be on duty during swimming and wading activities for every 25 children.</li> </ul>	p. 34-35
Infection control	<ul style="list-style-type: none"> <li>▪ Requirements added for safe handling of body fluids and handwashing.</li> <li>▪ Exclusion criteria revised.</li> </ul>	p. 36-37
Food allergies and medication	<ul style="list-style-type: none"> <li>▪ Requirements added for the safe storage of medication.</li> <li>▪ Adds flexibility for self-administered medication.</li> </ul>	p. 38-40

**Cost Impact for Providers**

The VDOE will produce a high-level cost analysis of the new regulations this summer. The VDOE will consult the fiscal experts who analyzed the cost of child care for Virginia. Due to the nature of these regulatory changes, there are both positive and negative potential cost implications.

- Increased ratios and additional flexibility should enable programs to be more cost-efficient and may potentially increase revenue and decrease expenses.
- Removing burdensome administrative requirements (e.g., emergency contact information for staff) may save staff time and cost.
- Clarifying language can either increase or decrease costs, depending on how programs were interpreting regulations.
- New regulations may require new purchases or upgrades, increase operating expenses and/or require more staff time.