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HOUSE BILL NO. 433

Offered January 17, 2000

A *BILL to amend and reenact § 63.1-196.3 of the Code of Virginia, relating to child day centers operated by religious institutions.*

Patron—Nixon

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 63.1-196.3 of the Code of Virginia is amended and reenacted as follows:**

§ 63.1-196.3. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

A. Notwithstanding any other provisions of this chapter, a child day center operated or conducted under the auspices of a religious institution shall be exempt from the licensure requirements of this chapter, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Commissioner of Social Services, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure, the qualifications of the personnel employed therein and documentary evidence that:

1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

2. Within the prior ninety days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.

3. The child day center employs supervisory personnel according to the following ratio of adults to children:

- a. One adult to ~~four~~ five children from zero to twenty-four months.
- b. One adult to ~~ten~~ twelve children from ages twenty-four months to six years.
- c. One adult to twenty-five children ages six years and older.

4. Each person in a supervisory position has been certified by a practicing physician to be free from any disability which would prevent him from caring for children under his supervision.

5. The center is in compliance with the requirements of:

- a. This section.
- b. Section 63.1-198.2 relating to criminal history record checks.
- c. Section 63.1-248.3 relating to the reporting of suspected cases of child abuse and neglect.
- d. Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 regarding a valid Virginia driver's license or commercial driver's license; of Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of Title 46.2, regarding vehicle inspections; ensuring that any vehicle used to transport children is an insured motor vehicle as defined in § 46.2-705; and Article 13 (§ 46.2-1095 et seq.) of Chapter 10 of Title 46.2, regarding child restraint devices.

6. The following aspects of the child day center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: physical facilities, enrollment capacity, food services, health requirements for the staff and public liability insurance.

B. The center shall establish and implement procedures for:

1. Handwashing by staff and children before eating and after toileting and diapering.
2. Appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure safety of children.

3. A daily simple health screening and exclusion of sick children by a person trained to perform such screenings.

4. Ensuring that a person trained and certified in first aid is present at the center whenever children are present.

5. Ensuring that all children in the center are in compliance with the provisions of § 32.1-46

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60 regarding the immunization of children against certain diseases.

61 6. Ensuring that all areas of the premises accessible to children are free of obvious injury hazards,
62 including providing and maintaining sand or other cushioning material under playground equipment.

63 7. Ensuring that all staff are able to recognize the signs of child abuse and neglect.

64 C. The Commissioner or his representatives may perform on-site inspections of religious institutions
65 to confirm compliance with the provisions of this section and to investigate complaints that the religious
66 institution is not in compliance with the provisions of this section. The Commissioner may revoke the
67 exemption for any child day center in serious or persistent violation of the requirements of this section.
68 If a religious institution operates a child day center and does not file the statement and documentary
69 evidence required by this section, the Commissioner shall give reasonable notice to such religious
70 institution of the nature of its noncompliance and may thereafter take such action as he determines
71 appropriate, including a suit to enjoin the operation of the child day center.

72 D. Any person who has reason to believe that a child day center falling within the provisions of this
73 section is not in compliance with the requirements of this section may report the same to the local
74 department of social services or welfare, the local health department or the local fire marshal, each of
75 which may inspect the child day center for noncompliance, give reasonable notice to the religious
76 institution, and thereafter may take appropriate action as provided by law, including a suit to enjoin the
77 operation of the child day center.

78 E. Nothing in this section shall prohibit a child day center operated by or conducted under the
79 auspices of a religious institution from obtaining a license pursuant to this chapter.