

West Virginia Department of
Health and Human Resources

Child Care Center Information Packet

Section I.

Thank you for your inquiry about opening a child care center. You will find the following information and attachments included in this packet:

1. A description of the procedures to follow in applying for a license to operate a child care center.
2. Answers to some of the most commonly asked questions about licensing regulations for a child care center.
3. Needs Assessment Form to help you determine what the child care needs are in your community.
4. A Letter of Intent indicating your decision to pursue application for a license to operate a child care center.
5. Map showing the Child Care Center Licensing Staff assignments.

Please submit the completed Needs Assessment form and Letter of Intent to the address listed above. Upon receipt, you will be sent an application for a license to operate a child care center with a copy of the State of West Virginia Licensing Regulations for Child Care Centers. There is currently no charge for a copy of the regulations or a processing fee for the application.

If you have any questions that have not been answered in this material, you may contact the designated Licensing Specialist for your area. Contact information for the Licensing Specialist in your area can be found on the attached map.

Sincerely,

Todd McDaniel
Program Manager
Child Care Center Licensing

Section II. How to Apply for a License

The West Virginia Department of Health and Human Resources is the agency designated by state law to coordinate the issuance of a license to operate a child care center. The Office of the State Fire Marshal, the Office of Environmental Health Services, and the Department of Agriculture cooperate with the DHHR in this process. Each of these offices has specific regulations that must be met before a license to operate a child care center can be issued by the designee of the Department of Health and Human Resources.

Once you have received information and the inspection reports from the Office of the State Fire Marshal and your county health department, and an integrated pest management plan approval letter from the Department of Agriculture, you should be in a much better position to make important financial decisions about proceeding with your proposed child care center.

Section III. Common Questions

Whenever “licensing regulations” are mentioned in this material, they refer to the regulations promulgated by the Bureau for Children and Families, Division of Early Care and Education in the Department of Health and Human Resources and are included in this packet.

1. WHAT IS A CHILD CARE CENTER?

- A. Anyone who cares for thirteen (13) or more children on a non-residential basis for more than 30 days per year per child is operating a child care center. Centers caring for preschool children operating four hours or less may be exempt from licensing as well as some school age programs operated through a grant under the Department of Education. All other child care centers, including out-of-school time programs, must be licensed by the Secretary of the West Virginia Department of Health and Human Resources prior to caring for children (See W. Va. Code §49-2-121.) Also, if you plan to operate a WV Pre-K classroom your facility may need to meet the requirements for a licensed child care center.
- B. Anyone who operates a child care center as defined by W. Va. Code §49-2-121 without a license from the Secretary of the West Virginia Department of Health and Human Resources is guilty of a misdemeanor and can be imprisoned and/or fined. If you operate a program that provides occasional care while parents participate in a recreational, shopping or religious activity, then it is not necessary to obtain a child care center license.

2. HOW MANY CHILDREN CAN A CENTER HAVE?

- A. When a license is issued to a child care center, a capacity is specified on the license itself. The capacity is first determined by the actual amount of activity space available in the center. The capacity means the maximum number of children that can be in care at any given time. There must be thirty-five (35) square feet of useable activity space per child. Kitchens, bathrooms, storage areas, office space, hallways, entryways, etc. are not included in determining the amount of useable activity space. If the center is going to care for children under the age of two years, space taken up by cribs cannot exceed 30% of the amount of useable activity space.
- B. A separate capacity is determined for children under the age of two years and for children over the age of two years. A center that operates a summer school-age program may also receive a separate capacity for that program.

- C. There must be one hand-washing sink and one toilet for every 15 children in care. Sometimes the total number of sinks and toilets limits the capacity. For example, if a center has enough usable activity space to accommodate fifty children, but has only three sinks and three toilets, the center's capacity would be limited to 45 children.

3. WHAT AGES OF CHILDREN CAN A CENTER HAVE IN CARE?

- A. When a license is issued to a child care center, an age range is also specified on the license itself. The age range is generally determined by the owner/operator of the child care center, within certain limitations. The minimum age is six weeks. The maximum range is through 12 years, unless there are certain special needs of the older child. The center must offer a program that is developmentally appropriate for each age group served.
- B. If the center plans on caring for children under the age of two, it must meet additional licensing requirements. These include maintaining a higher staff/child ratio, pre-service training for staff, additional written records, etc. The Office of the State Fire Marshal and the Office of Environmental Health Services may also have additional regulations. The staff persons working with infants and toddlers must have 40 hours of approved training prior to being granted to the center to serve those children.

4. WHAT ARE THE REQUIRED STAFF/CHILD RATIOS?

AGE OF CHILDREN	MAXIMUM NUMBER OF CHILDREN TO BE CARED FOR BY ONE QUALIFIED STAFF MEMBER	MAXIMUM NUMBER OF CHILDREN IN A GROUP
6 weeks – 1 year (6 weeks – 12 months)	4	8
1 year – 2 years (13 months – 24 months)	4	12
2 years (25 months – 35 months)	8	16
3 years (36 months – 47 months)	10	20
4 years (48 months – 59 months)	12	24
School-age	16	32

5. WHAT INSPECTIONS CAN BE ANTICIPATED?

- A. On-site inspections, made with or without prior notice, as a condition of licensing.
- B. Inspections to ensure compliance with all rules of the Division of Health. You may contact a sanitarian in your local county health department for information concerning environmental health and food service regulations for child care centers and to arrange for a preliminary on-site inspection of your proposed center.

- C. Inspections to ensure compliance with all rules of the State Fire Marshal. You may contact the Office of the State Fire Marshal, Inspection Division, at 304-558-2191 for information concerning their regulations for child care centers.
- D. Integrated Pest Management Plan Approval from the Department of Agriculture, Pesticide Regulatory Program Supervisor. You may contact the Department of Agriculture, Pesticide Regulatory Programs Office at 304-558-2209 for information concerning integrated pest management plans and to obtain a Day Care Integrated Pest Management Plan Packet.
- E. Inspections by the Department of Health and Human Resources prior to issuance of a license.
- F. Other inspections as deemed appropriate by the secretary, who shall have immediate and open access to a center and all aspects of the operation, including personnel, children in care, child and personnel records, corporate, financial records, insurance policies, etc.
- G. If the building you are going to occupy was built prior to 1978, you need to have a Lead Risk Assessment completed to determine if lead is present. The building will have to be a safe and healthy environment for children and staff. For information on Lead Risk Assessment, please contact the lead program at (304) 558-2981.

6. IS THE CENTER REQUIRED TO HAVE AN OUTDOOR PLAYGROUND?

- A. A child care center is required to take children outdoors for at least one hour per day, in all seasons of the year, weather permitting.

Almost all child care centers do have an outdoor activity area. If an outdoor activity space is not available at your proposed site, you must submit a written plan for approval which describes an alternate space. The alternate space usually involves a short walk to a city park, an elementary school playground, etc. There must be 75 square feet of activity space per child in the outdoor activity area, but a center can alternate groups of children being outdoors to achieve this requirement.

If you are going to care for children under school age, the outdoor activity area must be fenced or have natural barriers. The activity area must have more than one type of surface, including one for pull and wheeled toys. When the outdoor activity area has climbing equipment, the fall surfacing and use zones must comply with the Consumer Product Safety Commission guidelines for public playgrounds <http://cpsc.gov/>. Playground equipment must be commercial grade.

7. WHAT ARE THE REQUIREMENTS FOR STAFF?

- A. All staff must possess the education, training, experience and personal qualities that enable them to protect the health and safety of children in care. They must be flexible, caring, mature, dependable individuals that can relate well with children, their parents, and other staff.
- B. All staff are required to have a health assessment, a tuberculin risk assessment, provide two references, have background checks to include criminal history, child abuse or neglect and sex offender registries and provide documentation of their credentials.
- C. All staff that will be counted in the staff: child ratio must register with the State Training and Registry System, http://www.wvearlychildhood.org/WV_STARS.html. Through a resource and

referral agency network, the staff at child care centers can obtain most of the required professional development they will need to meet licensing requirements.

- D. The **Director** must be at least twenty-one years old and meet additional educational, training and work experience requirements depending on the number of children to be served. Please refer to the following table:

Type I Center (up to 30 children)	Type II Center (31-60 children)	Type III Center (more than 60 children)
<p>A CDA credential and three hundred hours of relevant work experience working with young children; or</p> <p>Twelve (12) college credits in an early care and education field and three hundred (300) hours of relevant work experience working with young children; or</p> <p>A total of ten (10) years of relevant work experience.</p>	<p>A registered Apprenticeship Certificate for Child Development Specialist; or</p> <p>Twenty-eight (28) college credits, with at least nine (9) credit hours in early childhood development; or</p> <p>Fifteen (15) years of relevant work experience.</p>	<p>An Associate degree in early care and education; or</p> <p>A Bachelor’s or Associate degree in a related field with twelve (12) college credit hours in early childhood development and ninety (90) practicum contact hours; or</p> <p>A Bachelor’s degree in a related field and a total of two (2) years of relevant work experience; or</p> <p>A degree in business, management or administration with twelve (12) college credit hours in early childhood development and three hundred (300) hours of relevant work experience.</p>

- E. An **Assistant Director** or a **Lead Teacher** must be at least 21 years of age, have at least one year of relevant work experience and meet additional training requirements. A **Teacher** must be at least 18 years old, have at least one year of relevant work experience and meet additional training requirements.

8. IS A CHILD CARE CENTER REQUIRED TO SERVE MEALS?

- A. A child care center must have a nutritional program that meets the nutritional requirements and meal/snack patterns of the USDA Child and Adult Food Program. No more than four hours may lapse for any child without being served a meal or snack.
- B. If a child care center does not have a kitchen that can be approved by the Office of the State Fire Marshal and the Office of Environmental Health, arrangements can be made to have meals catered. Arrangements are typically made with a nearby school, a senior citizen’s center, a hospital, a restaurant or grocery store, etc.

- C. The center's nutrition program must be reviewed by a licensed dietician or qualified nutritionist. Child care centers that participate in the Child and Adult Care Food Program have approved nutrition programs so additional review by a dietician or nutritionist is not necessary.

9. WHEN WILL I RECEIVE MY CHILD CARE CENTER LICENSE?

Much of this depends upon when you can have everything in order and return a completed child care center license application to the Division. Once completed application is received, it could take up to 60 days for the evaluation of the application and the final inspection of the site. Remember, the Division of Early Care and Education issues the license that will permit you to operate a child care center; the State Fire Marshal and the Office of Environmental Health (your local county health department) must issue their approvals/permits before the Division of Early Care and Education can issue a child care center license to you.

10. ADDITIONAL INFORMATION

You will need to get in touch with the following government agencies to obtain further information related to operating a child care center:

West Virginia Secretary of State
Corporations Division
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770
Telephone: (304) 558-8000
Web Page: <http://www.sos.wv.gov>

WV State Tax Department
P.O. Box 11425
Charleston, WV 25339
Telephone: 1-800-982-8297 or (304) 558-33333
Web Page: <http://www.wva.state.wv.us/wvtax>

West Virginia Department of Agriculture
1900 Kanawha Boulevard, East
State Capitol, Room E-28
Charleston, WV 25305-0170
Telephone: (304) 558-2209
Web Page: <http://www.wvagriculture.org/>

The Bureau for Children and Families also contracts with six Child Care Resource and Referral agencies. These agencies maintain provider resources, provide consumer education, manage the child care subsidy program, refer parents to available providers, and offer services to improve the quality of child care, such as provider training and technical assistance. Please contact one of the following for further information:

Child Care Resource Center
2000 Main Street, Suite 100
Wheeling, WV 26003
Telephone: 1-800-585-1603
Web Page: <http://www.crcwv.org>

Choices Child Care Resource and Referral
4421 Emerson Avenue
Suite 102
Parkersburg, WV 26101
Telephone: 1-866-966-2668
Web Page: <http://www.wvdhhr.org/choices>

Connect Child Care Resource and Referral
1 Player's Club Dr.
Charleston, WV 25311
Telephone: 1-888-595-8290 or (304) 414-4488
Web Page: <http://connectccrr.org>

Link Child Care Resource and Referral
611 7th Avenue
Suite 100
Huntington, WV 25701
Telephone: 1-800-894-9540 or (304) 523-9540
Web Page: <http://linkccrr.org>

Mountainheart Child Care Resource and Referral (North and South)
P.O. Box 1509
Oceana, West Virginia 24870
Telephone: 1-800-834-7082
Web Page: <http://mountainheartwv.org>

The Child and Adult Care Food Program is operated through the Department of Education and is an important resource for child care providers. The program not only reimburses providers for meals served to children but completes onsite inspections and supplies nutrition training. For information on enrolling with this program contact:

West Virginia Department of Education
Office of Child Nutrition
Bldg. 6, Room 248
1900 Kanawha Blvd. East
Charleston, WV 25305-0330
Telephone: (304) 558-2708
Web Page: <http://wvde.state.wv.us/child-nutrition/>

WV Pre-K operates collaborative classrooms with some child care centers. If you are interested in offering a WV Pre-K site, please contact the county Board of Education in your county. Community based WV Pre-K classrooms are required to have a child care center license. You may also contact the Department of Education for more information:

Office of Special Programs
Building 6, Room 304
1900 Kanawha Blvd
Charleston, WV 25305
Phone: 304-558-2696
Fax: 304-558-3741
Web Page: <http://wvde.state.wv.us/osp/>

The Small Business Administration offers many services to help small businesses such as financial assistance, business planning, consulting service, etc. They can be contacted at:

U.S. Small Business Administration
West Virginia District Office
320 West Pike Street, Suite 330
Clarksburg, WV 26301
Telephone: (304) 623-5631
Web Page: <http://www.sba.gov/wv/>

If you have additional questions about starting a child care center, contact the licensing specialist for your area. Please refer to the attached map for the name of your specialist and his or her telephone number. You may also contact the Division of Early Care and Education at (304) 356-4619.