West Virginia Department of

Human Services

Out of School Time Child Care Center Information Packet

Section I.

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

* A description of the procedures to follow in applying for a license to operate an out of school time child care center.
* Answers to some of the most commonly asked questions about licensing regulations for an out of school time child care center.
* An out of school time registration which is required for all programs licensed or exempt.
* Map showing the Child Care Center Licensing Staff assignments.

Please submit an out of school time registration to determine if a license to operate an out of school time program is required.

If licensure is required, please submit a completed Initial Application for a license to operate an out of school time child care center. There is currently no charge or 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 Human Services (DoHS) is the agency designated by state law to coordinate the issuance of a license to operate an out of school time child care center. The Office of the State Fire Marshal, the Office of Environmental Health Services, and the Department of Agriculture cooperate with the DoHS in this process. Each of these offices has specific regulations that must be met before a license to operate an out of school time child care center can be issued by the designee of the Department of Human Services.

Once you have received information and the inspection reports from the Office of the State Fire Marshal, 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 out of school time child care center.

Section II. Common Questions

Whenever “licensing regulations” are mentioned in this material, they refer to the regulations under the provisions of W. Va. Code §49-2-101, et seq., and related federal and state code, promulgated by the Bureau for Family Assistance, Division of Early Care and Education in the Department of Human Services. A copy of the Child Care Centers Licensing 78CSR 21 is included in this packet.

1. **WHAT IS AN OUT OF SCHOOL TIME CHILD CARE CENTER?**

* 1. The definition of a child care center is a facility maintained by the state or any county or municipality thereof, or any agency or facility operated by an individual, firm, corporation, association, or organization, public or private, for the care of 13 or more children for child care services in any setting, if the facility is open for more than 30 days per year per child, except those facilities, centers, programs, and individuals set forth in W. Va. Code §49-2-101.

* 1. The definition of an out of school time program is a program that offers activities to school children before or after school, or both, on school holidays, when school is closed because of an emergency, and on school calendar days set aside for teacher activities. Breaks between school sessions that exceed 15 days are not considered a school holiday.

1. **WHAT ARE THE OUT OF SCHOOL TIME REGISTRATION REQUIREMENTS?**

* 1. All facilities or programs that provide out-of-school time care shall register with the department upon commencement of operations and on an annual basis thereafter. The department shall obtain information such as the name of the facility or program, the description of the services provided, and any other information relevant to the determination by the department as to whether the facility or program meets the criteria for exemption under W. Va. Code §49-2-113.

1. **WHAT AGES OF CHILDREN CAN AN OUT OF SCHOOL TIME CENTER HAVE IN CARE?**

* 1. When a license is issued to an out of school time 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 out of school time child care center, within certain limitations. The minimum age is four years. The maximum range is through 12 years, unless there are certain special needs of the older child.

1. **WHAT ARE THE REQUIRED STAFF/CHILD RATIOS?**
2. For programs that operate with Pre-K children, the program shall ensure that a 1-12 staff-to-child ratio is maintained, and group sizes are limited to 24 for any group that mixes older children with a Pre-K child.
3. For programs that operate with school age children only, the program shall ensure that a 1-16 staff-to-child ratio is maintained. The group size is also determined by the activity and is limited to facilitate staff/child interaction and safe, constructive participation by children.

1. **WHAT INSPECTIONS CAN BE ANTICIPATED?**

* 1. On-site inspections, made with or without prior notice, as a condition of licensing.

* 1. 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.

* 1. 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.

* 1. 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.

* 1. Inspections by the Department of Human Services prior to issuance of a license.

* 1. 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.

* 1. 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.

1. **IS THE OUT OF SCHOOL TIME CENTER REQUIRED TO HAVE AN OUTDOOR PLAYGROUND?**
	1. An out-of-school-time program that operates more than four continuous hours on a daily basis, the center shall provide an outdoor activity area that includes a minimum of 75 square feet of space per child, or if the outdoor activity area has less than that, a center shall establish an outdoor activity schedule for rotating groups of children to meet the minimum space requirement and to ensure that each child has an opportunity to have outdoor activity each day.
	2. If required to have an outdoor playground as listed above, please maintain the following: Ensure outdoor play areas meet current Consumer Product Safety Commission guidelines for safe public playgrounds. Ensure an unenclosed outdoor activity area is away from traffic areas and other hazards. Enclose an outdoor play area used by children younger than school age with a natural barrier or secure fence that is at least four feet high and has no openings greater than 3 ½ inches.

1. **WHAT ARE THE REQUIREMENTS FOR STAFF?**

* 1. All staff must have sufficient education, training, and experience to provide the skills necessary for carrying out the essential functions of his or her job with or without reasonable accommodation

* 1. All staff are required to have a health assessment, a tuberculin risk assessment, and provide two references. Background checks must include criminal history, child abuse and neglect, and sex offender registries. Documentation of credentials must also be provided.

* 1. All staff are required to complete Cardiopulmonary Resuscitation (CPR) and first aid training within three months of employment or use provided a staff member who has received the training is present with children on or off site during the center’s operation. The CPR certification and first aid shall be appropriate to the age of the children in care. Within three months of employment or use, staff members shall have training in child abuse recognition and prevention. Prior to caring for children, all current staff, potential staff, and volunteers are required to complete approved pre-service training.
	2. Programs shall have a professional development plan for each staff member employed more than 120 calendar days that includes a minimum of 12 clock hours of professional development annually for Directors and Site Supervisors and 8 clock hours of professional development annually for other staff positions. The professional development needs to be related to school age children or providing quality programs to school age children, or both.

* 1. The **Director** must be at least twenty-one years old and have at least one year of leadership experience in a school age program or similar program.
	2. A Site Supervisor must be at least 21 years of age and have 18 months of supervised relevant work experience.

**8. IS AN OUT OF SCHOOL TIME CHILD CARE CENTER REQUIRED TO SERVE MEALS?**

1. An out of school time 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.
2. If an out of school time 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.
3. 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.

1. **WHEN WILL I RECEIVE MY OUT OF SCHOOL TIME CHILD CARE CENTER LICENSE?**

Much of this depends upon when you can have everything in order and return a completed out of school time child care center license application to the Division. Once a 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.

1. **ADDITIONAL INFORMATION**

You will need to get in touch with the following government agencies to obtain further

information related to operating an out of school time 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](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: [West Virginia Tax Division](https://tax.wv.gov/Pages/default.aspx)

West Virginia Department of Agriculture

1900 Kanawha Boulevard, East

State Capitol, Room E-28

Charleston, WV 25305-0170

Telephone: (304) 558-2209

# Web Page: [Home Page : West Virginia Department of Agriculture](https://agriculture.wv.gov/)

The Bureau for Family Assistance 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.ccrcwv.org](http://www.ccrcwv.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](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](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](http://mountainheartwv.org/)

The Child and Adult Care Food Program is operated through the Department of Education and is an important resource for out of school time 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: <https://wvde.us/child-nutrition/child-and-adult-care-food-program/>

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 an out of school time 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.