

PART III
STAFF QUALIFICATIONS AND TRAINING

22 VAC 40-185-180. General qualifications.

- A. No staff shall be guilty of an offense, as defined in § 63.2-1719 of the Code of Virginia.
- B. Staff shall be:
 - 1. Of good character and reputation;
 - 2. Capable of carrying out assigned responsibilities;
 - 3. Capable of accepting training and supervision; and
 - 4. Capable of communicating effectively both orally and in writing as applicable to the job responsibility.
- C. Staff who work directly with children shall be capable of communicating with emergency personnel.
- D. Staff who drive a vehicle transporting children shall disclose any moving traffic violation that occurred five years prior to or during employment or assignment as a driver.
- E. For therapeutic child day programs and special needs child day programs, staff who work with children shall have knowledge of the groups being served and skills specific to the special needs of the children in care including, but not limited to, functional abilities, accommodations, assessment techniques, behavior management, and medical and health concerns.

22 VAC 40-185-190. Program director qualifications.

- A. Program directors shall be at least 21 years of age and shall meet one of the following:
 - 1. A graduate degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation from a college or university and six months of programmatic experience;
 - 2. An endorsement or bachelor's degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation from a college or university and one year of programmatic experience;

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3. Forty-eight semester hours or 72 quarter hours of college credit from a college or university of which 12 semester hours or 18 quarter hours are in child-related subjects and one year of programmatic experience;
4. Two years of programmatic experience with one year in a staff supervisory capacity and at least one of the following education backgrounds:
 - a. A one-year early childhood certificate from a college or university that consists of at least 30 semester hours;
 - b. A child development credential that requires:
 - (1) High school program completion or the equivalent;
 - (2) 480 hours working with children in a group which could include a supervised practicum; and
 - (3) Determination of competency in promoting children's development, providing a safe and healthy environment, managing the classroom environment and/or childhood program, and promoting positive and productive relationships with parents/guardians; and
 - (4) At least 120 clock hours of child-related training taught by an individual or by an organization with expertise in early childhood teacher preparation provided that the training facilitator:
 - (a) Documents the student's mastery and competence;
 - (b) Observes the student's application of competence in a classroom setting;
 - (c) Has a combination of at least six years of education (leading to a degree or credential in a child-related field) or programmatic experience; and
 - (d) Has at least 12 semester hours or 180 clock hours in a child-related field, a child development credential or equivalent, and two years of programmatic experience with one year in a staff supervisory capacity; or
 - c. A certification of qualification from an internationally or nationally recognized Montessori organization; or

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5. Three years of programmatic experience including one year in a staff supervisory capacity and fulfilled a high school program completion or the equivalent.
 - a. Such programmatic experience shall be obtained in a child day center that offers a staff training program that includes: written goals and objectives; assessment of the employee's participation in the training; and the subject areas of first aid, human growth and development, health and safety issues and behavioral management of children.
 - b. Such employees shall complete 120 hours of training during this three-year period and provide documentation of completing the training.
 - c. Effective June 1, 2008, program directors shall meet a qualification as stated in subdivisions 1 through 4 of this subsection.

6. Exception (a): Program directors hired before June 1, 2005, who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year three semester hours or six quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in subdivision 4 b of this subsection, which credential must be awarded by June 1, 2009.

Exception (b): Program directors hired or promoted on or after June 1, 2005, until June 1, 2006, who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year six semester hours or nine quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in subdivision 4 b of this subsection, which credential must be awarded no later than June 1, 2007.

- B. Program directors without management experience shall have one college course in a business-related field, 10 clock hours of management training, or one child care management course that satisfactorily covers the management functions of:

1. Planning;
2. Budgeting;
3. Staffing; and
4. Monitoring.

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*Note: Management experience is defined as at least six months of on-the-job training in an administrative position that requires supervising, orienting, training, and scheduling staff.

- C. For program directors of therapeutic child day programs and special needs child day programs, education and programmatic experience shall be in the group care of children with special needs.
- D. Notwithstanding subsection A of this section, a person between 19 and 21 years of age may serve as a program director at a short-term program serving only school age children if the program director has daily supervisory contact by a person at least 21 years of age who meets one of the program director qualification options.

22 VAC 40-185-200. Program directors and back-up for program directors.

- A. The center shall have a qualified program director or a qualified back-up program director who meets one of the director qualifications who shall regularly be on site at least 50% of the center's hours of operation.
- B. For centers offering multiple shifts, a qualified program director or qualified back-up director shall regularly be on site at least 50% of the day shift and at least two hours during the evening shift and two hours during the night shift.
- C. For centers employing one or more program leaders who are qualified under subsection C of 22VAC40-185-210 but not under subsection A of that section, the qualified program director or qualified back-up program director shall be on site at least 75% of the center's hours of operation.

22 VAC 40-185-210. Program leader qualifications.

- A. Program leaders shall be at least 18 years of age, have fulfilled a high school program completion or the equivalent, and meet one of the following:
 - 1. Have one of the program director qualifications in 22VAC40-185-190;
 - 2. Have an endorsement or bachelor's degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation, from a college or university;

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3. Have three months of programmatic experience and at least one of the following education backgrounds:
 - a. A one year early childhood certificate from a college or university that consists of at least 30 semester hours;
 - b. A child development credential by an organization listed in § 63.2-1738 of the Code of Virginia;
 - c. A teaching diploma from an internationally or nationally recognized Montessori organization; or
 4. Have six months of supervised programmatic experience.
 - a. Within six months before being promoted or beginning work or one month after being promoted or beginning work, a minimum of 12 hours of training shall be received related to the care of children, including but not limited to:
 - (1) Child development;
 - (2) Playground safety;
 - (3) Health and safety issues; and
 - (4) Preventing and reporting child abuse and neglect.
 - b. Such training may take place on site while not supervising children. Such training hours shall increase according to the following:
 - (1) Program leaders hired or promoted after June 1, 2001 – 16 hours
 - (2) Program leaders hired or promoted after June 1, 2007 – 20 hours
 - (3) Program leaders hired or promoted after June 1, 2008 – 24 hours
- B. For program leaders of therapeutic child day programs and special needs child day programs, at least three months of programmatic experience shall be in the group care of children with special needs.

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- C. Notwithstanding the experience requirements in subsection A of this section, program leaders at short-term programs may have only one season of programmatic experience, provided that this experience shall include at least 200 hours, of which up to 24 hours can be formal training, working directly with children in a group.

22VAC40-185-220. Aides.

Aides shall be at least 16 years of age.

22 VAC 40-185-230. Independent contractors; volunteers.

- A. Individuals from independent contractors shall not be counted in the staff-to-children ratios unless they meet the qualifications for the applicable position.
- B. Individuals from independent contractors who do not meet staff qualifications shall, when in the presence of children, be within sight and sound supervision of a staff member.
- C. Volunteers who work with children shall be at least 13 years of age.

22 VAC 40-185-240. Staff training and development.

- A. Staff shall receive the following training by the end of their first day of assuming job responsibilities:
1. Job responsibilities and to whom they report;
 2. The policies and procedures listed in subsection B of this section and 22VAC40-185-420 A that relate to the staff member's responsibilities;
 3. The center's playground safety procedures unless the staff member will have no responsibility for playground activities or equipment;
 4. Recognizing child abuse and neglect and the legal requirements for reporting suspected child abuse as required by § 63.2-1509 of the Code of Virginia;
 5. Confidential treatment of personal information about children in care and their families; and
 6. The standards in this chapter that relate to the staff member's responsibilities.

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- B. By the end of the first day of supervising children, staff shall be provided in writing with the information listed in 22VAC40-185-420 A and the following:
1. Procedures for supervising a child who may arrive after scheduled classes or activities including field trips have begun;
 2. Procedures to confirm absence of a child when the child is scheduled to arrive from another program or from an agency responsible for transporting the child to the center;
 3. Procedures for identifying where attending children are at all times, including procedures to ensure that all children are accounted for before leaving a field trip site and upon return to the center;
 4. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies and general emergencies;
 5. Policy for any administration of medication; and
 6. Procedures for response to natural and man-made disasters.
- C. Program directors and staff who work directly with children shall annually attend 10 hours of staff development activities that shall be related to child safety and development and the function of the center. Such training hours shall increase according to the following:
1. June 1, 2006 - 12 hours
 2. June 1, 2007 - 14 hours
 3. June 1, 2008 - 16 hours
 4. Staff development activities to meet this subsection may include up to two hours of training in first aid or cardiopulmonary resuscitation. Staff development activities to meet this subsection may not include rescue breathing and first responder as required by 22VAC40-185-530 and training in medication administration and daily health observation of children as required by subsection D of this section.

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5. Exception (a): Staff who drive a vehicle transporting children and do not work with a group of children at the center do not need to meet the annual training requirement.

Exception (b): Parents who participate in cooperative preschool centers shall complete four hours of orientation training per year.

Exception (c): Staff who are employed at a short-term program shall obtain 10 hours of staff training per year.

D. Medication administration and daily health observation

1. To safely perform medication administration practices listed in 22VAC40-185-510, whenever the center has agreed to administer prescribed medications, the administration shall be performed by a staff member or independent contractor who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; or administration shall be performed by a staff member or independent contractor who is licensed by the Commonwealth of Virginia to administer medications.
 - a. The approved training curriculum and materials shall be reviewed by the department at least every three years and revised as necessary.
 - b. Staff required to have the training shall be retrained at three-year intervals.
2. The decision to administer medicines at a facility may be limited by center policy to:
 - a. Prescribed medications;
 - b. Over-the-counter or nonprescription medications; or
 - c. No medications except those required for emergencies or by law.

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3. To safely perform medication administration practices listed in 22VAC40-185-510, whenever the center has agreed to administer over-the-counter medications other than topical skin gel, cream, or ointment, the administration must be performed by a staff member or independent contractor who has satisfactorily completed a training course developed or approved by the Department of Social Services in consultation with the Department of Health and the Board of Nursing and taught by an R.N., L.P.N., physician, or pharmacist; or performed by a staff member or independent contractor who is licensed by the Commonwealth of Virginia to administer medications.
 - a. The course, which shall include competency guidelines, shall reflect currently accepted safe medication administration practices, including instruction and practice in topics such as, but not limited to, reading and following manufacturer's instructions; observing relevant laws, policies and regulations; and demonstrating knowledge of safe practices for medication storage and disposal, recording and reporting responsibilities, and side effects and emergency recognition and response.
 - b. The approved training curriculum and materials shall be reviewed by the department at least every three years and revised as necessary.
 - c. Staff required to have the training shall be retrained at three-year intervals.
4. Any child for whom emergency medications (such as but not limited to albuterol, glucagon, and epipen) have been prescribed shall always be in the care of a staff member or independent contractor who meets the requirements in subdivision 1 of this subsection.
5. There shall always be at least one staff member on duty who has obtained within the last three years instruction in performing the daily health observation of children.
6. Daily health observation training shall include:
 - a. Components of daily health check for children;
 - b. Inclusion and exclusion of the child from the class when the child is exhibiting physical symptoms that indicate possible illness;
 - c. Descriptions of how diseases are spread and the procedures or methods for reducing the spread of disease;
 - d. Information concerning the Virginia Department of Health Notification of Reportable Diseases pursuant to 12VAC5-90-80 and 12VAC5-90-90, also available from the local health department and the website of the Virginia Department of Health; and

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- e. Staff occupational health and safety practices in accordance with Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens regulation.
- E. Before assuming job responsibilities, staff who work with children in therapeutic child day programs and special needs child day programs shall receive training in:
- 1. Universal precautions procedures;
 - 2. Activity adaptations;
 - 3. Medication administration;
 - 4. Disabilities precautions and health issues; and
 - 5. Appropriate intervention strategies.
- F. For therapeutic child day programs and special needs child day programs, staff who work directly with children shall annually attend 24 hours of staff development activities. At least eight hours of this training shall be on topics related to the care of children with special needs.