



Bureau for Children and Families  
Division of Early Care and Education  
350 Capitol Street, Room B-18  
Charleston, WV 25301-3705  
Telephone: (304) 356-4619 Fax: (304) 558-8800

## **CHILD CARE CENTER INFORMATION PACKET**

Thank you for your inquiry about opening a 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 a child care center;
- Answers to some of the most commonly asked questions about licensing regulations for a child care center;
- Needs Assessment Form to help you determine what the child care needs are in your community;
- Letter of Intent indicating your decision to pursue application for a license to operate a child care center; and
- Map showing Child Care Center Licensing Staff Assignments.

Please submit the completed Needs Assessment Form and Letter of Intent to Brenda Helper at the address listed above. You will then 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 further questions that have not been answered in this material, you may contact the designated Licensing Specialist for your area.

Sincerely,

Todd McDaniel  
Program Manager  
Child Care Center Licensing

Enclosures



**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES**  
**Bureau for Children and Families**  
**Division of Early Care and Education**

The West Virginia Department of Health and Human Resources is the agency designated by state law that coordinates the issuance of a license to operate a child care center. The Office of the State Fire Marshal and the Office of Environmental Health Services, and the Department of Agriculture cooperate with the Bureau for Children and Families 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 Secretary of the West Virginia Department of Health and Human Resources.

You may contact the Office of the State Fire Marshal, Inspection Division, at (304) 558-2191 for information concerning fire regulations for child care centers and to arrange for either a plan review and/or a preliminary on-site inspection of your proposed facility.

You may also contact a sanitarian in your local county health department for information concerning environmental health regulations for child care centers and to arrange for a preliminary on-site inspection of your proposed facility.

Once you have received information and the inspection reports from the Office of the State Fire Marshal and your county health department, you should be in a much better position to make important financial decisions about proceeding with your proposed child care center. Returning the Letter of Intent to the Division of Early Care and Education will indicate that you wish to make application for operating a child care center. Upon receipt of the Letter of Intent an initial licensing application will be mailed to you.

Whenever "licensing regulations" are mentioned in this material, they refer to the regulations promulgated by the Division of Early Care and Education in the Department of Health and Human Resources. We have included information about some of those regulations in this packet as answers to commonly asked questions. You may view the Child Care Centers Licensing regulations on line at: <http://www.wvdhhr.org/bcf/ece/earlycare/regs.asp>.

## **ANSWERS TO COMMONLY ASKED QUESTIONS ABOUT LICENSING A CHILD CARE CENTER**

### **WHAT KINDS OF PROGRAMS MUST BE LICENSED TO OPERATE AS A CHILD CARE CENTER?**

Anyone who cares for thirteen (13) or more children on a non-residential basis for more than 30 days per year per child is considered to be 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.

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.

### **HOW MANY CHILDREN CAN A CENTER HAVE?**

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. The number of trained and qualified staff will also factor into the determination of capacity.

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.

There must be one hand-washing sink and one toilet for every fifteen 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 forty-five children.

### **WHAT AGES OF CHILDREN CAN A CENTER HAVE IN CARE?**

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.

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.

**WHAT ARE THE REQUIRED STAFF/CHILD RATIOS?**

<b>AGE OF CHILDREN</b>	<b>MAXIMUM NUMBER OF CHILDREN TO BE CARED FOR BY ONE QUALIFIED STAFF MEMBER</b>	<b>MAXIMUM NUMBER OF CHILDREN IN A GROUP</b>
6 weeks – 1 year (6 weeks – 12 months)	4	8
1 year – 2 years (13 months – 24 months)	4	12
2 years (25 - 35 months)	8	16
3 years (36 – 47 months)	10	20
4 years (48 – 59 months)	12	24
5 years – school-age (60 months – school-age)	12	24
School-age	16	32

**WHAT KINDS OF REGULATIONS MUST THE PHYSICAL FACILITY MEET?**

Regardless of whether you build your own facility, renovate an existing structure, rent, own, utilize part of your home, etc., the area that you plan on using as a child care center must meet the applicable regulations of the Office of the State Fire Marshal and the Office of Environmental Health Services. You will also need to have a pest management plan approved by the Department of Agriculture. If the building you are going to occupy was built prior to 1978, you need to discuss how to determine if lead is present with your local health department. The building will have to be a safe and healthy environment for children and staff.

**IS THE FACILITY REQUIRED TO HAVE AN OUTDOOR PLAYGROUND?**

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 in order 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, and the play equipment must have safe material for fall zones. When the outdoor activity area has play equipment, the fall surfacing and use zones must comply with the Consumer Product Safety Commission guidelines for public playgrounds <http://cpsc.gov/>.

### WHAT ARE THE REQUIREMENTS FOR STAFF?

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.

All staff must have a health assessment, a tuberculin risk assessment, must provide two references, must have a criminal history background check, must have a child abuse or neglect background check and must provide documentation of their credentials.

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](http://www.wvearlychildhood.org/WV_STARS.html). Through a resource and referral agency network, the staff at child care centers is able to obtain most of the required professional development they will need to meet licensing requirements.

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; <b>or</b></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; <b>or</b></p> <p>A total of ten (10) years of relevant work experience.</p>	<p>A registered Apprenticeship Certificate for Child Development Specialist; <b>or</b></p> <p>Twenty-eight (28) college credits, with at least nine (9) credit hours in early childhood development; <b>or</b></p> <p>Fifteen (15) years of relevant work experience.</p>	<p>An associate's degree in early care and education; <b>or</b></p> <p>A Bachelor's or Associate's degree in a related field with twelve (12) credit hours in early childhood development and ninety (90) practicum contact hours; <b>or</b></p> <p>A Bachelor's degree in a related field and a total of two (2) years of relevant work experience.</p> <p>A degree in business, management or administration with twelve (12) credit hours in early childhood development and three hundred (300) hours of relevant work experience.</p>

An **assistant director or lead teacher** must be at least twenty-one years of age, have at least one year relevant work experience and meet additional training requirements. A **teacher** must be at least eighteen years old, have one year of relevant work experience and meet additional training requirements.

### **IS A CHILD CARE CENTER REQUIRED TO SERVE MEALS?**

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.

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.

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.

### **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 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.

### **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.ccrwv.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  
1701 5<sup>th</sup> Avenue  
Box 4  
Charleston, WV 25387  
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 GETTING STARTED YOU MAY 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.**



**CHILD CARE CENTER NEEDS ASSESSMENT AND LETTER OF INTENT**

*(The Needs Assessment and Letter of Intent is **not an application**. An application will be mailed to you once you have returned this document. Please keep a copy for your records. If you do not receive an application within 14 days of returning this document, please contact our office.)*

**Needs Assessment**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

COUNTY: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Answer the following to help you in your planning.

Do you have a business plan? If not, have you made an appointment with the Small Business Administration? \_\_\_\_\_

What is the prevailing type of child care in your area? Family child care? Relative care? Center care? \_\_\_\_\_

How many centers are operating in your area? \_\_\_\_\_

What ages do they serve? \_\_\_\_\_

Do the existing centers have a waiting list? \_\_\_\_\_

If so, is it for specific age groups? \_\_\_\_\_

Is there a reason they have a waiting list (for example, good reputation, convenient location, hours of operation, etc.)? \_\_\_\_\_

Do existing centers have unfilled spaces? \_\_\_\_\_

If so, is there a reason (for example, location)? \_\_\_\_\_

What age group is most in need of care? \_\_\_\_\_

Are there particular programs or services that are needed (for example, transportation, summer programs for school age children, infants, etc.)?  
\_\_\_\_\_

What days/hours do existing centers operate? \_\_\_\_\_

What fees are charged? \_\_\_\_\_

What is the prevailing wage in your area for a child care staff person? Director?  
\_\_\_\_\_

Do other centers in your area have difficulty recruiting or retaining staff? If so, why?  
\_\_\_\_\_

What training resources will be available to you and your staff in your area?  
\_\_\_\_\_

Are there zoning ordinances that will affect the location of your center?  
\_\_\_\_\_

Is your center to be located in an area where special steps will need to be taken to ensure the children's safety? For example, is the outdoor play area next to a heavily trafficked street or next to a creek bed?  
\_\_\_\_\_

How have you determined that there is a need in your community for your proposed child care center?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How are you proposing to meet the need?  
\_\_\_\_\_  
\_\_\_\_\_

What is the center's Statement of Purpose or your Mission Statement?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



LETTER OF INTENT TO OPERATE A CHILD CARE CENTER

TYPE OF ORGANIZATION PROPOSED:

- Sole Proprietorship \_\_\_\_\_
- Corporation (for profit) \_\_\_\_\_
- Corporation (non-profit) \_\_\_\_\_
- Unincorporated non-profit \_\_\_\_\_
- General or Limited Partnership \_\_\_\_\_
- Limited Liability Company \_\_\_\_\_

Have you filed this business with the Secretary of State's office? \_\_\_\_\_ (date)\_\_\_\_\_

**As the owner/operator/executive director, what is your background that will contribute to the successful operation of a child care center?**

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**Does the proposed director, meet the qualifications required to be a director at a Type I, Type II or Type III center (based on your proposed capacity)?**

If so, you will be required to verify this with the submission of the application for a license to operate. A license will not be issued without a qualified director. If not, what are your plans for obtaining a qualified director?

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**Do you or the proposed director have at least one year's experience working with children in a formally organized program? \_\_\_\_\_ Yes \_\_\_\_\_ No**

If so, please describe: \_\_\_\_\_

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If not, what is your plan for hiring an individual who does possess the required experience?

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**Have you located a facility or property for your proposed center?** \_\_\_\_\_

If so, have you had a preliminary on-site inspection or plan review by the Office of the State Fire Marshal? \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Have you received the fire marshal's report?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

If you have not had a preliminary inspection or plan review, please call (304) 558-2191 to request one. You must submit the report with the submission of your application. No license to operate will be granted if the State Fire Marshal has not given approval.

**Have you had a preliminary on-site inspection or plan review by your local Health Department?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Have you received the Health Department's report?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

No license to operate will be granted without the proper Health permits. If you have not had a preliminary inspection or plan review, please contact your local county health department to request one.

**PLEASE WAIT UNTIL YOU HAVE SCHEDULED AN INSPECTION FROM BOTH THE FIRE MARSHAL AND THE HEALTH DEPARTMENT BEFORE YOU SUBMIT THIS FORM TO THE DIVISION OF EARLY CARE AND EDUCATION.**

**If you are purchasing or leasing the facility, was it constructed prior to 1978?**  
\_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

*If yes, you will need a lead risk assessment. For more information on lead risk assessment, please contact the Lead Program at (304)558-2981.*

**Do you have a business plan?** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

*If yes, please attach a copy. If not, please answer the following questions:*

**How do you plan to finance the construction/renovation of the proposed center?**  
*(Fill out if you have not attached a business plan.)*

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**How do you plan to finance the initial purchase of equipment, materials and supplies?**  
*(Fill out if you have not attached a business plan.)*

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**Do you have access to sufficient funds equal to at least six months' operating expenses?**  
\_\_\_\_\_ Yes \_\_\_\_\_ No

An initial license will not be issued if access to funds are not available and verified. Consumer credit cards/accounts are not an acceptable form of financing.

**What date do you project for opening the center?**

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**How many children and what ages do you plan to serve?**

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**What are your proposed hours of operation?**

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**Will your center use a standardized curriculum?** \_\_\_\_\_ Yes \_\_\_\_\_ No

**If yes, please indicate:** \_\_\_\_\_

**If no, please provide a brief description of your program:**

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***This is not an application. An application will be mailed to you once you have returned this document. Please keep a copy for your records.***

Please return to:

Child Care Center Licensing  
Division of Early Care and Education  
350 Capitol Street, Room B-18  
Charleston, WV 25301