

ARLINGTON COUNTY CODE

Chapter 52

**CHILD CARE CENTERS, PRESCHOOLS, NURSERY SCHOOLS, PARENT'S-DAY-OUT PROGRAMS,
AND COOPERATIVE PLAYGROUP PROGRAMS**

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§ 52-1. General Provisions - Policy.

It is hereby declared to be the policy of the County of Arlington in the exercise of its police power for the protection of the public safety, public health and general welfare to provide for the licensing and regulation of child care centers, preschools, nursery schools, and parent's-day-out programs, and cooperative playgroup programs in order to adequately protect the children of Arlington County.

(4-25-81)

§ 52-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Child care center” means any facility operated for the purpose of providing care, protection and guidance

to a group of children separated from their parents or guardian during a part of the day only except:

- (1) A facility licensed by the State of Virginia as a summer camp.
- (2) A public school or private school comprised of first through twelfth grade or any portion thereof unless the County Manager determines that such private school is operating a child care center outside the scope of regular classes.
- (3) A school operated primarily for the educational instruction of children from three (3) to five (5) years of age at which children of three (3) or four (4) years of age do not attend in excess of four (4) hours per day and children five (5) years of age do not attend in excess of six and one-half (6 1/2) hours per day.
- (4) A facility which provides child care on an hourly basis which is contracted for only occasionally by a parent.
- (5) A Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (6) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital's employees while such employees are engaged in performing work at the hospital.
- (7) Any private school regulated under Chapter 16 of this Code operated for the purpose of providing specialized training courses for more than four (4) children, such as beauty schools, dance schools and karate and self-defense schools.

This definition shall not include a private family home in which children are received for care, protection and guidance.

“Preschool” or “nursery school” means any agency operating for the purpose of providing care, maintenance or training for more than four (4) children of less than school age on a regular basis during any part of the day where two (2), three (3), and four (4) year old children are in attendance for less than four (4) hours a day and five (5) year old children for less than six and one-half (6 1/2) hours a day.

“Parent's-day-out program” means any facility operating for the purpose of providing care, maintenance or training for more than four (4) children of less than school age during any part of the day where children from infancy to five (5) years old are in attendance not more than six and one-half (6 1/2) hours a day.

“County Manager” means the County Manager of Arlington County in his role as the local board of public welfare or any of his designees acting in their role as the local board of public welfare.

“Child” means any person less than eighteen (18) years old.

“Cooperative playgroup” means any facility for the purpose of providing care, maintenance and training activities for more than four (4) but not more than fifteen (15) children of less than school age for less than three (3) hours per day, where supervision of children is provided by a parent on a cooperative basis.
(4-25-81)

§ 52-3. License Required; Posting of License.

It shall be unlawful to operate a child care center, preschool or nursery school or parent's-day-out program as defined herein without a valid, nonsuspended license issued pursuant to this chapter. Such license shall be posted in a conspicuous location within the licensed premises.

§ 52-4. Application for License.

Any person who operates or maintains a child care center, preschool, nursery school or parent's-day-out program shall make application to the County Manager, or his designee, for a license in the name of the person for the specified structure to which the application relates. No license issued pursuant to this chapter shall be transferable.

§ 52-5. Investigation or Receipt of Application.

Upon receipt of the application, the County Manager shall cause an investigation to be made of the activities, services and facilities of the applicant; of the applicant's financial responsibility and of his character and reputation or, if the applicant be an association, partnership or corporation, the character and reputation of its officers and agent as they relate to the applicant's ability to maintain the facility and work with children. The applicant shall afford the representative of the County Manager required to make the investigation reasonable opportunity to inspect all of the applicant's facilities, books and records and to interview the applicant or his agent's and employees.

§ 52-6. Issuance of the License.

Upon completion of the investigation, the County Manager shall grant a license in writing required by this chapter to any applicant thereof upon production of evidence satisfactory to him that the applicant, his facilities, services and activities are in compliance with the provisions of this chapter, the Arlington County Code, the Code of Virginia and the standards and policies prescribed hereunder.

§ 52-7. Denial of Application.

A. The County Manager shall deny a license to any applicant upon a finding by him that activities, services and facilities of the applicant are in violation of any provision of this chapter, the Arlington County Code, the Code of Virginia or the standards and policies prescribed hereunder.

B. Upon the denial of the application for a license or renewal under this chapter, or upon revocation of a permit as described in § 52-10, the County Manager shall notify the applicant that the application is denied or revoked, stating:

1. The reason for the denial;
2. That the applicant has the right to request a hearing if written request is made within thirty (30) days after receipt of the notice of denial. Unless written request is made within the thirty (30) day period, the applicant's right to a hearing is waived.

§ 52-8. Renewal of License.

Every license shall be renewed annually on or before thirty (30) days prior to the expiration of the license. The facilities and records of each applicant for a renewal of a license may be inspected or examined by the County Manager or his designee to determine whether the applicant is in compliance with the standards of this chapter.

§ 52-9. Suspension of License.

A. Whenever the County Manager finds by complaint, investigation or otherwise that any condition exists, within a facility required to be licensed by this chapter, which is a violation of the ordinance but does not endanger the life, health or safety of the children, he shall order that the necessary corrective action be taken within a specified period of time as determined by the County Manager.

B. Whenever the County Manager finds by complaint, investigation or otherwise that any condition exists that endangers the life, health or safety of the children, within a facility required to be licensed by this chapter, he shall order that the license to operate the facility be temporarily suspended. Whenever a license has been so temporarily suspended, a hearing shall be held before the County Manager to determine whether the license to operate the facility should be permanently suspended. If the temporary suspension occurs during normal business hours, the hearing shall be held prior to 5:00 p.m. of that day. Should the temporary suspension occur after business hours, the hearing shall be held on the next regular business day. At the hearing, a representative of the facility shall have the right to answer personally or in writing or both personally and in writing. The right to answer personally includes the right to answer orally in person to being given a reasonable opportunity to make any representations which the representative believes might affect the final decision of the County Manager.

The County Manager shall send a written statement of the findings of the hearing to the facility within twenty-four (24) hours after the hearing is terminated. In the event the County Manager finds that the conditions at the facility do not endanger the life, health or safety of the children, he shall order that the license of that facility be reinstated immediately. In the event that the County Manager finds that there exist conditions which endanger the life, health or safety of the children, he shall order that the license of that facility be permanently suspended until such time as the conditions which caused said suspension are eliminated.

§ 52-10. Revocation of License.

The County Manager shall revoke the license of any establishment if the corrective action specified under § 52-9.A of this chapter is not taken. Procedure for revocation of a license shall be the same as described in § 52-7 of this chapter. Nothing in this section shall be construed to deny the right of any facility so affected to reapply for a license in accordance with the procedures established by this chapter.

§ 52-11. Deferred Compliance.

The owner or operators of any facility required to be licensed by this chapter, operating in the County as of the effective date of this chapter, may apply for and be granted a time period not to exceed twelve (12) months in order to comply with the standards and policies prescribed hereunder which were not in effect on the date of enactment of this chapter. All other provisions of this chapter become effective upon the effective date of the chapter.

§ 52-12. Inspection Period.

Each facility required to be licensed by this chapter shall be subject to inspection by health authorities and by the County Manager or his designee at least once a year and as often as deemed necessary for the purpose of determining that there is compliance with the provisions of this chapter.

§ 52-13. Records and Reports.

Each child care center, preschool and nursery school shall provide each prospective applicant for enrollment information concerning the education and training of the director and teacher.

The following records shall be maintained and be made available for County and State inspection and shall be kept accurate and kept current:

- A. *Types.*
 - 1. An up-to-date register of all children admitted.
 - 2. Individual child records.
 - 3. Individual employee records including appointment, promotion or withdrawal notification.

4. Any records required to be kept by State or local law.
- B. *Content.* As a minimum, each record shall contain the following information:
 1. Child register.
 - a. Child's name in full (and nickname, if any);
 - b. Home address;
 - c. Home telephone number;
 - d. Date of admission;
 - e. Sex;
 - f. Birth date;
 - g. Father's name in full;
 - h. Father's business address;
 - i. Father's business telephone number;
 - j. Mother's name in full;
 - k. Mother's business address;
 - l. Mother's business telephone number;
 - m. Designation of person authorized to receive child at end of session;
 - n. Name and telephone number of person to be contacted in an emergency when parent is not available;
 - o. Name and telephone number of the child's physician;
 - p. Hospital preferred by parents in case of emergency;
 - q. Date of child's withdrawal;
 - r. Reason(s) for withdrawal (child care centers only).
 2. Child's health record.
 - a. Name in full;
 - b. Address;
 - c. Sex;
 - d. Date of birth;

- e. Date of examination;
 - f. Physician's report concerning general physical condition of child;
 - g. History of illnesses and diseases including allergy and specific communicable diseases;
 - h. Recent exposure to communicable disease;
 - i. Specific immunizations received (give dates);
 - j. Result of tuberculin testing;
 - k. Corrective defects recommendations and other remarks of examining physician;
 - l. Physician's signature;
 - m. Physician's address and telephone number;
 - n. Parents' health insurance information;
 - o. Parents' signed authorization for treatment of child in an emergency;
 - p. Name and telephone number of person to be contacted in an emergency.
3. Employee's teacher's and participating parent's record.
- a. Name and address of employing facility;
 - b. Employee's name in full;
 - c. Home address;
 - d. Home telephone number;
 - e. Sex;
 - f. Birthdate;
 - g. Title of position;
 - h. Duties;
 - i. Date of health examination;
 - j. Employee's health record:
 - (1) Physician's signed statement concerning employee's general physical condition, freedom from disease in a communicable form and physical ability to work closely with or care for children without danger to such children;
 - (2) Date of chest X-ray or negative TB skin test;
 - (3) Date of laboratory tests for syphilis, gonorrhea or other communicable disease when such tests are required by the Commonwealth;

- (4) Physician's signature, address and telephone number;
- k. Employee's educational background;
- l. Name and telephone number of person to be contacted in an emergency;
- m. Signature of employee;
- n. Signature of employer.

§ 52-14. Emergency Provisions.

A plan for emergency situations and for illness of staff shall be maintained and made available for County and State inspections.

§ 52-15. Conflict of Chapter.

In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code, existing on the effective date of this chapter, which establishes a lower standard for the promotion and the protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail; and such other provisions are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

§ 52-16. Penalties.

The person, firm or corporation who operates a child care center, preschool, nursery school or parent's-day out program without a valid license issued pursuant to this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment in jail not exceeding thirty (30) days, or both. Each day of violation shall constitute a separate offense.

§ 52-17. Severability.

Should any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstances be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter, or the application of such provisions to other persons or circumstances, but shall be confined in its application to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which said judgment shall have been rendered, and the person or circumstances involved.

§ 52-18. Building Structure and Facilities.

A. No child care center, preschool, nursery school or parent's-day-out program shall begin operation until the premises to be occupied shall have been approved by the County Manager, who shall establish procedures for investigation and report by the administrative officers of the building, plumbing, electrical, health, and fire prevention codes.

B. An applicant for a permit to operate a child care center, preschool, nursery school or parent's-day out program shall submit to the County Manager plans and specifications of the quarters proposed to be occupied. Such plans shall show details of entrances, partitions, windows, openings, ventilation, plumbing fixtures, food service equipment, playground equipment and related facilities. The food preparation area shall conform to the requirements of the Food and Food Handling Code of Arlington County, Virginia (Chapter 9.2) and Chapter 3 of the

Code of Virginia State Board of Health, where applicable. The premises shall meet the requirements of the Arlington County Building Maintenance Standards Chapter (Chapter 29).

§ 52-19. Safety.

A. Care shall be exercised in the transportation of children to and from the facility. In any vehicle used for the transportation of children, there shall be a seat for each child. The vehicle shall be operated at a safe speed.

B. The interior of the facility shall be finished in light or bright colors, the walls and ceilings finished with washable paint or similar washable finish. The floor shall be smooth and free of splinters. All equipment, toys and furnishings shall be selected with prime consideration to the safety of the children. No highly flammable fabrics or other materials shall be used or be present in or about the premises.

C. The location of the building shall be safe from traffic hazards. No facility may be in a location where unusual conditions exist that would be hazardous to the welfare of the children.

§ 52-20. Sanitation and Hygiene.

A. All walls, ceilings, floors, toilet facilities, food serving facilities, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary manner.

B. Soap safe for use by children, sanitary towels and toilet tissue shall be provided at all times.

C. Linen shall be clean and laundered, handled and stored in an approved manner.

D. Adequate refuse receptacles shall be provided and emptied and cleaned as required. Refuse receptacles must have lids.

§ 52-21. Indoor Facilities.

A. A minimum of thirty-five (35) square feet of play area per child and three hundred (300) cubic feet of air space per child shall be provided.

B. Adequate ventilation as prescribed by the building code shall be provided.

C. Drinking water shall be accessible to the children at all times.

D. A room or available space for isolation of sick children shall be provided in each facility.

E. Adequate space for each child's clothing must be provided so that it may be hung separately.

F. In child care centers and parent's-day-out programs, a separate crib, which meets the federal standard of safety, cot or plastic mat shall be provided for each child resting at any given time, and kept in a sanitary condition. When in use, there shall be at least two (2) feet of space between cots.

G. In child care centers and parent's-day-out programs, pillows shall not be used and mattresses used only if covered with a moisture proof material, which shall not be polyethylene film or similar material, and should be covered by an under sheet. Crib bedsides are always to be up, and the fastenings are to be secured. Under sheets shall be provided and be sufficient in number to provide at least one (1) change a week. Sufficient blankets shall be provided to assure adequate warmth. Sheets and blankets shall be assigned to individual use and shall not be used by other children without first being properly laundered.

H. A minimum of one (1) toilet and one (1) hand basin shall be provided for each fifteen (15)

children or major fraction thereof.

- I. There shall be adequate separation between kitchen and toilet space.
- J. Adequate lighting and ventilation shall be provided in each room at all times in conformity with State and local building codes.
- K. All parts of the building used by the children shall be adequately heated. The heat must be evenly distributed at a temperature of between sixty-eight (68) degrees and seventy-two (72) degrees Fahrenheit to be maintained in the children's room. Temperature should be taken at one (1) or two (2) feet from the floor.
- L. If an electric heater is used to supplement heat of any room, it must be placed out of the reach of the children. Gas stoves, if used, must be approved by the fire official responsible for inspecting fire hazards.
- M. When a fan is used for cooling, it must be out of reach of children or screened for the protection of the children.
- N. Electrical outlets in all rooms used by children should have protective caps and, if possible, should be placed above child height. If the building is an old one, electrical wiring in the walls as well as the outlets must be checked periodically to eliminate fire hazards.
- O. Where children under two (2) years of age are cared for, adequate daylight is the preferable lighting. If artificial light is necessary, the lighting should be equal to ten (10) footcandles of light. All working space and examining tables must be provided with one hundred (100) footcandles of light.
- P. Whenever the County Manager shall determine and declare that an energy shortage exists, the minimum thermal standards set forth in this chapter shall be superseded by thermal standards established by the County Manager. Such standards shall be consistent with the nature and extent of the energy shortage and the health and safety of the occupants. These standards shall remain in effect until the County Manager shall declare the emergency is ended.
(4-2-77)

§ 52-22. Outdoor Facilities.

- A. A safe fenced play area shall be available with an allowance of seventy-five (75) square feet per child, provided that in C-O and R-A Zoning Districts such area shall be available and safely accessible. Fencing shall not be required if the applicant can show that the play area provides proper protection from traffic and other hazards. Individual group play times can be staggered to meet area size requirements.
- B. Equipment that is sturdy and so constructed and maintained as to be safe to use shall be provided.
- C. The play area shall be kept free of all debris.
(9-27-76)

§ 52-23. Fire Safety.

Fire drills shall be conducted in accordance with the provisions of § 8-F106.2, of the Arlington County Fire Code. Each facility shall be inspected by local fire officials at least once a year.

§ 52-24. Inspections.

Each facility shall be subject to inspection by health authorities at least once a month and by the Arlington County Manager or his designees as often as deemed necessary.

§ 52-25. Director, Administrator or Administrative Body.

- A. A director, administrator or administrative body shall be legally responsible for the operation of the facility.
- B. The director, administrator or administrative body shall have sufficient time, training and ability to carry out effectively the duties involved.
- C. The director, administrator, administrative body or coordinator, if so designated, shall be responsible for the day-to-day operations of the facility.

§ 52-26. Staff Medical Requirements.

Each employee who comes into contact with the children and each staff person responsible for preparation and serving of food must have a current medical certificate certifying freedom from chronic communicable or incapacitating disease, based on an examination by a licensed physician, including a negative chest X-ray or TB skin test. Volunteers must provide a current medical certificate certifying a negative chest X-ray or TB skin test before coming in contact with the children. Employees and volunteers shall provide certification of a negative chest X-ray or TB skin test annually thereafter. Records of examinations must be presented upon request. In the event of serious illness or hospitalization of the licensee or director, the director of human resources must be informed immediately of the nature of the illness or hospitalization and the arrangements that have been made for delegation of responsibility for operation of the program in the licensee's absence.

§ 52-27. Children's Medical Requirements.

Medical certificates and immunizations:

- A. Before admission and annually, each child must have a physical examination and shall present a physician's certificate of freedom from communicable diseases. A written record of such examinations shall be on file at the facility. If any chronic conditions or defects are present, the record shall include recommended diet and/or treatment.
- B. Each child, prior to admission, shall have had a TB test and shall have been immunized (as appropriate for age) against diphtheria, whooping cough, tetanus, polio, measles (rubeola) and German measles (rubella). Copies of the immunization records shall be kept at the program's location.
- C. At the discretion of the director, a doctor's certificate must be presented before a child is readmitted after absence of more than five (5) days due to illness. With respect to the common childhood diseases such as measles, mumps, chicken pox and related diseases, the recommendations for exclusion from school as contained in the communicable disease chart issued by the Virginia State Department of Health must be followed. A copy of this chart must be posted in the facility.

§ 52-28. Health Procedures.

The program, through its health policies and practices, shall provide for the health development of the children under care.

- A. *Morning inspection.* There shall be a morning inspection of each child as he arrives and before he has mingled with the other children. If a trained nurse is not available, the inspection shall be made by a person, familiar with the children, who has been instructed as to how the inspection should be made. If there are indications of illness, the director or person in charge is responsible for taking the necessary action in accordance with § 52-28.C.

B. *First aid kit.* A first aid kit shall be provided and kept in an accessible place to adults but out of reach of the children, and at least one (1) member of the staff trained in first aid shall be present whenever the program is in operation. This certificate shall be renewed periodically so as to be current. The telephone numbers of a hospital, rescue squad ambulance, and fire and police departments shall be posted in a conspicuous place for use in case of a serious accident, illness or emergency.

C. In case of illness of a child, the parents or adult specified by the parents shall be notified, and arrangements shall be made to take the child home or to a place specified by the parent.

§ 52-29. Child Care Centers.

The provisions of this section pertain only to the regulation of child care centers.

A. *Director.* Each child care center shall have a director who shall have the necessary qualifications and experience for the planning, conduct and supervision of the operation of a child care center.

1. Qualifications:

- a. Master's degree from an accredited college in child development or early childhood education; or
- b. Master's degree from an accredited college in a related field including, but not limited to, education, social work, home economics, psychology, and one (1) year of experience as a teacher or director in a child care center or preschool run on child development principles; or
- c. Bachelor's degree from an accredited college in child development, early childhood education or a related field including, but not limited to education, social work, home economics, psychology, plus at least twelve (12) college semester hours, or the equivalent quarter hours of advanced study in child development or early childhood education and one (1) year of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- d. Bachelor's degree from an accredited college in child development, early childhood education or a related field including, but not limited to, education, social work, home economics, psychology, and two (2) years of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- e. Two (2) or more years of college with twelve (12) college semester hours, or the equivalent quarter hours, in child development or early childhood education and five (5) years of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- f. Directors operating licensed centers as of the effective date of this chapter who do not meet the above educational requirements shall have, or acquire within three (3) years, twelve (12) college semester hours, or the equivalent quarter hours, in child development or early childhood education or equivalent training.

2. Duties: The director shall be responsible for the overall operation of the facility. Responsibilities shall include, but not be limited to, the following:

- a. Program planning and evaluation.

- b. Provision of necessary professional supportive staff to ensure that required child-staff ratios are maintained and a child development program is provided.
- c. Direction and supervision of staff.
- d. Provision of in-service staff development and education program.
- e. Designation of an assistant director or head teacher to assume administrative responsibilities in the director's absence.
- f. Maintenance of up-to-date records, including personnel records.
- g. Securing proper maintenance of center to ensure fulfilling all aspects of Commonwealth of Virginia and Arlington County codes and regulations.
- h. Shall make a reasonable attempt to involve parents in the program.
- i. Representation of the center to the community.
- j. Responsibility for orientation of volunteers.

B. *Teacher.* Teacher shall mean a person qualified to initiate and maintain activities acceptable to a good daily program based on the principles of child development.

1. Qualifications:

- a. Bachelor's degree in child development, early childhood education or a related field including, but not limited to education, social work, home economics, psychology, which includes nine (9) college semester hours, or the equivalent quarter hours, in child development and/or early childhood education; or
- b. Two (2) years or more of college which includes at least fifteen (15) college semester hours, or the equivalent quarter hours, of child development and/or early childhood education courses; or
- c. Shall possess a high school diploma or its equivalency. This applies only to teachers serving in facilities at the time of adoption of this chapter. Persons falling within this category shall acquire, within two (2) years, nine (9) college semester hours, or the equivalent quarter hours, in early childhood education and/or child development or equivalent training; or
- d. In a child care center which has as part of its program a Montessori component, the Montessori teacher must, in the alternative, hold Montessori diploma for the level being taught from an institution approved by the American Montessori Society or the Association Montessori International. If a Montessori teacher is to be employed as a teacher in that part of the day which is non-Montessori, the teacher shall meet child care center teacher qualifications.

2. Duties: Shall be responsible for, but not limited to:

- a. Initiating and maintaining activities acceptable to a good daily program based on the principles of child development.
- b. The health, welfare and safety of the children.

- c. The supervision of the assistant teacher, aide or volunteer assigned to the teacher's group.
 - d. Maintaining an attractive, orderly and clean room.
 - e. Attending in-service programs.
- C. *Assistant teacher.*
- 1. Qualifications: Shall possess a high school diploma and certificate in child development from an accredited high school or high school diploma or equivalency certificate and two (2) years of in-service training in a preschool or child care center run on child development principles.
 - 2. Duties: Shall assist the teacher in providing for the health, welfare and safety of a group of children. In the absence of the teacher, shall assume responsibility for the group. Shall assist the teacher in the classroom. Shall participate in the planning of the daily program for children. Shall perform such other duties in the classroom as are assigned.
- D. *Teacher's aide.* Teacher's aide shall mean a person qualified to assist a teacher or teacher's assistant in the planning of the daily curriculum and the supervision of the children.
- 1. Qualifications: Shall complete an eight-week training course in child development or complete eight (8) weeks of in-service training, approved by the County Manager, under the supervision of a qualified teacher; and shall have ability to work well with children and adults.
 - 2. Duties: Shall assist the teacher in the planning of the daily curriculum; shall attend in-service training when offered; shall help keep classroom orderly, clean and attractive; prepare materials for activities; and assist in the care of equipment and supplies. When needed, shall assist in food preparation, serving and clearing up for mealtimes. When necessary, shall pick up and deliver children. Shall perform such other duties in the classroom as are assigned.
- E. *Food and maintenance employees.* Child care centers shall provide sufficient personnel to maintain required Arlington County standards of cleanliness, safety, comfort and nutrition without depriving the children of proper supervision.
- F. *Volunteers.* Volunteers shall show willingness and ability to work with children. Volunteers shall be under the supervision of the director, assistant director or teacher.
- G. *Physical presence of staff*
- 1. The child care center shall have a director who is physically present during the week for at least one-half (1/2) of the time the children are present. In the director's absence, there must be a specifically designated assistant to function in the director's stead.
 - 2. Regardless of the number of children under care, a minimum of two (2) responsible adults must be present at all times.
 - 3. No child shall be left unattended at any time.
- H. *Group size, child-adult ratio.*
- 1. The size of any one group of children in child care centers, shall not exceed that specified below for each particular age, and there shall be a teacher for each group with adequate staff or volunteer assistance to meet the applicable child-adult ratio. Child-adult ratios shall be maintained

throughout the day.

Age	Maximum Size of Group	Child-Adult Ratio
Under 2	9	3--1
2	10	5--1
3	16	8--1
4 through 5	20	10--1
6 through 14	25	15--1

Where children of different ages are placed in groups, the ratio shall be adjusted by the director with the welfare of the youngest children in mind. A minimum of two (2) adults shall be required at the center during its hours of operation.

2. In a child care center with a Montessori component, Montessori approved group sizes, as established by the American Montessori Society or the Association Montessori International, may be applied for the Montessori instruction period, providing State-required child-adult ratios are maintained.
 - I. *Program.* A child development program, as a program responsive to the progressive stages of physical, emotional, social and intellectual growth of the young child, shall be the focus of child care centers.
 1. The program shall be under the supervision and direction of a staff member trained or experienced in child development, early childhood education and/or related field including, but not limited to education, social work, home economics, psychology.
 2. The daily program shall be planned to:
 - a. Reflect knowledge and understanding of the fundamental needs, growth and development of children.
 - b. Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.
 - c. Provide a balance between periods of active play and quiet activities. Child care programs shall provide for rest during the day, the length of which will vary with the age of the child and the length of the program, but shall not exceed a total of three (3) hours.
 - d. Include a schedule of planned events for each day. Routine such as snacks, meals, naps and play shall occur daily at approximately the same time. Within the schedule there shall be flexibility to allow for individual differences.
 - e. Provide daily activities, for each child, designed to:
 - (1) Influence a positive concept of self.
 - (2) Stimulate motivation.
 - (3) Enhance his physical, social, cognitive and communication skills by giving him opportunities to learn about himself and others, about social relationships and about the world around him.
 - (4) Help him to deal with reality through tackling real tasks and learning to master

them.

- (5) Help him to develop skills in both large and small muscle activities.
- (6) Help him to take responsibility for his bodily needs and encourage good health habits.
- (7) Include at least two (2) hours of outdoor play, divided between morning and afternoon, when the weather is suitable.

- f. At no time shall the director use or permit corporal punishment or any humiliating or frightening methods of discipline.
- g. Children shall not be punished for refusing food nor shall they be deprived of meals or parts of meals or snacks as disciplinary measures.
- h. A weekly schedule of events shall be posted in a location readily visible to the staff and visitors.

J. *Nutrition and food services.*

1. The food for children shall be adequate for nutritional needs for wholesome growth and development. Special diets are to be provided as prescribed by a physician for individual children.
2. Provision shall be made for the children's comfort during mealtime.
3. Eating utensils and dishes shall be appropriate in size to be handled by the child. If disposable dishes and utensils are used, they shall be sturdy enough to prevent them from being a safety hazard.
4. Disposable dishes and utensils shall be used only once and discarded.
5. Meals and snacks:
 - a. Meals shall include a morning snack, an afternoon snack and a hot lunch. If the child arrives before 8:00 a.m., breakfast or a snack shall also be served soon after arrival.
 - b. The meals shall be planned to provide the opportunity for the child to learn to eat and enjoy a variety of nutritious foods.
 - c. Meals shall be served in a pleasant, clean atmosphere.
 - d. Children shall be served small size portions and shall be permitted to have additional servings.
 - e. Snacks shall be selected and planned to provide for nutritional needs of the child. Portions served shall be small in amount and served not less than one and one-half (1 1/2) hours prior to the meal.
 - f. Menus should either be provided on a weekly basis to parents or posted in a prominent place for their inspection.

§ 52-30. Preschools and Nursery Schools.

The provisions of this section pertain only to the regulation of preschools and nursery schools.

A. *Director.* There shall be a director, administrator or administrative body for each preschool and nursery school.

1. The director, administrator or administrative body shall be legally responsible for the operation of the facility.
2. The director, administrator or administrative body shall have sufficient time, training and ability to carry out effectively the duties involved.
3. The director, administrator, administrative body or head teacher, if so designated, shall be responsible for the day-to-day operation of the facility.

B. *Director or head teacher, if any.* The director or head teacher shall have the necessary qualifications and experience for the planning, conduct and supervision of the operation of such a facility.

1. Qualifications:

- a. Master's degree from an accredited college in child development or early childhood education; or
- b. Master's degree from an accredited college in a related field including, but not limited to, education, social work, home economics, psychology, and one (1) year of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- c. Bachelor's degree from an accredited college in child development, early childhood education or a related field including, but not limited to, education, social work, home economics, psychology, plus at least twelve (12) college semester hours, or the equivalent quarter hours, of advanced study in child development and/or early childhood education and one (1) year of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- d. Bachelor's degree from an accredited college in child development, early childhood education or a related field including, but not limited to, education, social work, home economics, psychology, and two (2) years of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- e. Two (2) or more years of college with twelve (12) college semester hours, or the equivalent quarter hours, in child development and/or early childhood education and five (5) years of experience as a teacher or director in a child care center, preschool or kindergarten run on child development principles; or
- f. Directors or head teachers operating licensed schools as of the effective date of these regulations who do not meet the above educational requirements shall have or acquire, within three (3) years, twelve (12) college semester hours, or the equivalent quarter hours, in child development, early childhood education or equivalent training.

2. Duties: The director, administrator, administrative body or head teacher, if so designated, shall be responsible for the operation of the facility. Responsibilities shall include, but not be limited to, the following:

- a. Program planning and evaluation.

- b. Provision of necessary professional supportive staff to ensure that required child-staff ratios are maintained and a child development program is provided.
- c. Direction and supervision of staff.
- d. Provision of in-service staff development and education program.
- e. Designation of an assistant to assume administrative responsibilities when necessary.
- f. Maintenance of up-to-date records including personnel records.
- g. Securing proper maintenance of center to ensure fulfillment of all aspects of Commonwealth of Virginia and Arlington County codes and regulations.
- h. Shall make a reasonable attempt to involve parents in the program.
- i. Representation of the preschool to the community.
- j. Responsibility for orientation of volunteers.

C. *Teacher.* Teacher shall mean a person qualified to initiate and maintain activities acceptable to a good daily program based on the principles of child development.

1. Qualifications:

- a. Bachelor's degree in child development, early childhood education or a related field including, but not limited to, education, social work, home economics, psychology, which includes nine (9) college semester hours, or the equivalent quarter hours, in early childhood education and/or child development; or
- b. Two (2) years or more of college which includes at least fifteen (15) college semester hours, or the equivalent quarter hours, in early childhood education and/or child development courses; or
- c. Shall possess as high school diploma or its equivalency. This applies only to teachers serving in facilities at the time of adoption of this chapter. Persons falling in this category shall have, or acquire within two (2) years, nine (9) college semester hours, or the equivalent quarter hours, in child development and/or early childhood education or equivalent training; or
- d. In a school which represents itself as a Montessori school, the teachers must, in the alternative, hold a Montessori diploma for the level they are teaching from an institution approved by the American Montessori Society or the Association Montessori International.

2. Duties: Shall be responsible for but not limited to:

- a. Initiating and maintaining activities acceptable to a good daily program based on the principles of child development.
- b. The health, welfare and safety of the children.
- c. The supervision of the assistant teacher, aide or volunteer assigned to the teacher's group.

- d. Maintaining an attractive, orderly and clean room.
- e. Attending in-service programs.
- D. *Assistant teacher.*
 - 1. Qualifications: Shall possess a high school diploma and certificate in child development from an accredited high school or high school diploma or equivalency certificate and two (2) years of in-service training in a preschool or child care center run on child development principles.
 - 2. Duties: Shall assist the teacher in providing for the health, welfare and safety of a group of children. In the absence of the teacher, shall assume responsibility for the group. Shall assist the teacher in the classroom. Shall participate in the planning of the daily program for children. Shall perform such other duties in the classroom as are assigned.
- E. *Teacher's aide.* Teacher's aide shall mean a person qualified to assist a teacher or teacher's assistant in the planning of the daily curriculum and the supervision of the children.
 - 1. Qualifications:
 - a. Shall complete an eight (8) week training course in child development or complete eight (8) weeks of in-service training, approved by the County Manager, under the supervision of a qualified teacher; and
 - b. Shall have the ability to work well with children and adults.
 - 2. Duties:
 - a. Shall assist the teacher in the planning of the daily curriculum.
 - b. Shall attend in-service training when offered.
 - c. Shall help keep classroom orderly, clean and attractive, shall prepare materials for activities and assist in the care of equipment and supplies. When needed, shall assist in food preparation, serving and cleaning up for meal times.
 - d. Shall perform such other duties in the classroom as are assigned.
- F. *Food and maintenance employees.* Preschools shall provide sufficient personnel to maintain required Arlington County standards of cleanliness, safety, comfort nutrition without depriving the children of proper supervision.
- G. *Volunteers.* Volunteers shall be under the supervision of the director, assistant director or a teacher.
- H. *Group and staff requirements.*
 - 1. A responsible adult shall be present and in charge at all times.
 - 2. In the director's absence, there must be present a specifically designated assistant to function in the director's stead.
 - 3. The child-staff ratio required by this chapter shall be maintained throughout the day.

4. No child shall be left unattended at any time.

I. *Groups.*

1. *Preschool.* The size of any one group of children in a preschool shall not exceed that specified below for each particular age, and there shall be a teacher for each such group with adequate staff or volunteer assistance to meet the applicable adult-child ratio.

Age	Maximum Size of Group	Child-Adult Ratio
2	15	5--1
3	16	8--1
4 to 5	20	10--1

Where children of different ages are placed in groups, the ratio shall be adjusted by the director with the welfare of the youngest children in mind. A minimum of two (2) adults shall be required at the school during its hours of operation.

2. *Montessori.* In a school which represents itself as a Montessori school, staffing and class size must be consistent with standards established by either the American Montessori Society or the Association Montessori International. Each school must clearly state the standards on which its operation is primarily based.

J. *Program.* A child development program, as a program responsive to the progressive stages of physical, emotional, social, and intellectual growth of the young child shall be the focus of preschool programs.

1. The program shall be under the supervision and direction of a staff member trained or experienced in child development, early childhood education and/or a related field.

2. The daily program shall be planned to:

- a. Reflect knowledge and understanding of the fundamental needs, growth and development of children.
- b. Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.
- c. Provide a balance between periods of active play and quiet activities. Preschool programs of more than two and one-half (2 1/2) hours per day shall provide for rest during the day, the length of which will vary with the age of the child and length of the program.
- d. Include a schedule of planned events for each day. Routine such as snacks, rest and play shall occur daily at approximately the same time. Within the schedule, there shall be flexibility to allow for individual differences.
- e. Provide daily activities for each child designed to:
 - (1) Influence a positive concept of self.
 - (2) Stimulate motivation.
 - (3) Enhance his physical, social, cognitive and communication skills by giving him

opportunities to learn about himself and others, about social relationships, and about the world around him.

- (4) Help him to deal with reality through tackling real tasks and learning to master them.
 - (5) Help him to develop skills in both large and small muscle activities.
 - (6) Help him to take responsibility for his bodily needs and encourage good health habits.
 - (7) Include at least twenty (20) minutes of outdoor play in half-day program during suitable weather conditions.
- f. At no time shall the director use or permit corporal punishment or any humiliating or frightening methods of discipline.
 - g. Children shall not be punished for refusing food nor shall they be deprived of meals or parts of meals or snacks as disciplinary measures.
 - h. A weekly schedule of events shall be posted in a location readily visible to the staff and visitors.
- K. *Nutrition and food services.*
1. Snacks:
 - a. Provision shall be made for the children's comfort during snack time.
 - b. Eating utensils and dishes shall be appropriate in size to be handled by the child. If disposable dishes and utensils are used, they shall be sturdy enough to prevent them from being a safety hazard.
 - c. Disposable dishes and utensils shall be used only once and discarded.
 - d. The snacks shall be planned to provide the opportunity for the child to learn to eat and enjoy a variety of nutritious foods.
 - e. Snacks shall be served in a pleasant, clean atmosphere.
 - f. Snacks shall be selected and planned to provide nutritional needs of the child.

§ 52-31. Parent's-Day-Out Program.

The provisions of this section pertain only to the regulation of parent's-day-out programs.

A. *Coordinator, director or head teacher, if any.* There shall be a coordinator, director or head teacher having the necessary qualifications and experience for the planning, conduct and supervision of the operation of such a facility.

1. Qualifications:
 - a. Bachelor's degree from an accredited college in child development, early childhood education or a related field including, but not limited to, education, social work, home

economics, psychology, and one (1) year of experience as a teacher or director in a preschool or related agency; or

- b. Two (2) or more years of college with nine (9) college semester hours, or equivalent quarter hours, of course work in child development or early childhood education and two (2) years of experience as a teacher or director in a preschool or related agency; or
- c. Coordinators or directors without at least nine (9) college semester hours, or equivalent quarter hours, of credit in child development or early childhood education who are operating or propose to operate licensed programs, who do not meet the above educational requirements, shall acquire, within two (2) years, nine (9) college semester hours, or equivalent quarter hours, in child development, early childhood education or equivalent training.

2. Duties: The administrator, administrative body, director, coordinator or head teacher, if so designated, shall be responsible for the overall operation of the facility. Responsibilities shall include, but not be limited to, the following:

- a. Program planning and evaluation.
- b. Provision of necessary professional supportive staff to ensure that required child-staff ratios are maintained and a child development program is provided.
- c. Direction and supervision of staff.
- d. Provision of in-service staff development and education programs.
- e. Designation of an assistant to assume administrative responsibilities when necessary.
- f. Maintenance of up-to-date records including personnel records.
- g. Proper maintenance to facility to ensure fulfilling all aspects of Commonwealth of Virginia and Arlington County Codes and regulations.
- h. Shall make a reasonable attempt to involve parents in the programs.
- i. Representation of the program to the community.
- j. Responsibility for orientation of volunteers.

B. *Teacher.* This person shall have ability to work well with children and adults, shall possess a high school diploma or its equivalency and shall be willing to improve himself or herself by attending workshops or in-service training programs.

1. Duties: Shall be responsible for, but not limited to:

- a. Initiating and maintaining activities acceptable to a good daily program based on the principles of child development.
- b. The health, welfare and safety of the children.
- c. The supervision of the assistant teacher, aide or volunteer assigned to the group.
- d. Maintaining an attractive, orderly and clean room.

e. Performing related work as required.

C. *Cooperating parent.* This person shall be willing to improve himself or herself by attending workshops or in-service programs.

1. Duties: Shall assist the teacher in providing for the health, welfare and safety of a group of children. In the absence of the teacher, shall assume responsibility for the group. Shall assist the teacher in the classroom. Shall participate in the planning of the daily program for children. Shall perform such other duties in the classroom as are assigned.

D. *Food and maintenance employees.* Parent's-day-out programs shall provide sufficient personnel to maintain required Arlington County standards of cleanliness, safety, comfort and nutrition without depriving the children of proper supervision.

E. *Group staff requirements.*

1. Staff. Parent's-day-out programs shall have a director or coordinator who is physically present during the week for at least one-half (1/2) of the time that the children are present. In the director's or coordinator's absence, there must be present a person designated to act in the director's or coordinator's stead. The size of any one (1) group of children, age two (2) and over, shall not exceed fifteen (15); and there shall be one (1) teacher and one (1) parent for each group.

2. Where children under two (2) receive care, the size of any group shall not exceed twelve (12); and the ratio of adults to children shall be one (1) to three (3).

3. Separate area shall be provided for those children learning to walk from those children who have not yet reached this stage of development.

4. No child shall be left unattended at any time.

F. *Program.*

1. The program shall be under the supervision and direction of a staff member trained or experienced in early childhood education, child development and/or a related field.

2. The program shall be planned to:

a. Reflect knowledge and understanding of the fundamental needs, growth and development of children.

b. Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.

c. Provide a balance between periods of active play and quiet activities. Parent's-day-out programs shall provide for rest during the day, length of which will vary with the age of the child and the length of the program.

d. Include a schedule of planned events for each day. Routine such as snacks, meals, nap and play shall occur daily at approximately the same time. Within the schedule there shall be flexibility to allow for individual differences.

e. At no time shall the coordinator or director use or permit corporal punishment or any humiliating or frightening methods of discipline.

- f. Children shall not be punished for refusing food nor shall they be deprived of meals or parts of meals or snacks as disciplinary measures.
- g. A weekly schedule of events shall be posted in a location readily visible to the staff and visitors.

G. *Nutrition and food services.*

- 1. Provision shall be made for the children's comfort during mealtime.
- 2. Eating utensils and dishes shall be appropriate in size to be handled by the child. If disposable dishes and utensils are used, they shall be sturdy enough to prevent them from being a safety hazard.
- 3. Disposable dishes and utensils shall be used only once and discarded.
- 4. The snacks shall be planned to provide the opportunity for the child to learn to eat and enjoy a variety of nutritious foods.
- 5. Snacks shall be served in a pleasant, clean atmosphere.
- 6. Snacks shall be selected and planned to meet nutritional needs of the child.

(12-6-75)

§ 52-32. Cooperative Playgroups.

The following provisions of this Chapter 52 shall apply to cooperative playgroups only:

- A. §§ 52-3 through 52-10, § 52-12, §§ 52-14 through 52-25, § 52-28.B and C.
- B. Each cooperative playgroup shall have a chairman, coordinator or administrator whose responsibilities shall include, but not be limited to, the following:
 - 1. Assurance that required child-adult ratios are maintained.
 - 2. Maintenance of up-to-date records, including children's and supervising parent's health records.
 - 3. Proper maintenance of facility to insure fulfilling all aspects of Commonwealth of Virginia and Arlington County Codes and regulations.
- C. Cooperating parents of the cooperative playgroup shall provide supervision of children on a cooperative basis.
- D. Group staff requirements.
 - 1. Cooperative playgroups shall maintain the following child-adult ratios:
 - a. Where children under two (2) receive care, the size of any group shall not exceed twelve (12); and the ratio of adults to children shall be one (1) to three (3).
 - b. The size of any one (1) group of children, age two (2) and over, shall not exceed fifteen (15); and the ratio of adults to children shall be one (1) to five (5).

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NURSERY SCHOOLS, PARENT'S-DAY-OUT
PROGRAMS, AND COOPERATIVE
PLAYGROUP PROGRAMS**

2. Where children of different ages are placed in groups, the ratio shall be adjusted by the chairman with the welfare of the youngest children in mind. A minimum of two (2) adults shall be required at the school during its hours of operation.
 3. No child shall be left unattended at any time.
- (4-25-81)