

**Department for Children and Families  
Child Development Division  
Child Care Provider Definitions**

*Agency of Human Services*

**Text from VSA Title 33 Human Services Chapter 35 Child Care as referred to in H. 97**

**§ 3511. Definitions**

As used in this chapter:

- (1) "Child" means an individual under the age of 13.
- (2) "Child care provider" means a person licensed or registered by the department for children and families, or authorized by the department, to provide child care.
- (3) "Child care services" include, but are not limited to, developmentally appropriate care and supervision for children under the age of 13 for fewer than 24 hours a day by a child care provider.
- (4) "Commissioner" means the commissioner for children and families.
- (5) "Division" means the child development division.
- (6) "Training" means an activity, approved by the commissioner or the commissioner's designee, which is likely to lead to employment or required to maintain employment. (Added 1987, No. 205 (Adj. Sess.), § 6; amended 1997, No. 31, § 1; 2005, No. 174 (Adj. Sess.), § 110; 2007, No. 172 (Adj. Sess.), § 17.)

**VSA Title 33 Chapter 49: Child Welfare Services**

**4902. Definitions**

Unless otherwise specifically provided, the following words and phrases in this chapter mean:

- (2) Child care facility: any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of less than 24 hours a day by a person other than a child's own parent, guardian, or relative, as defined by rules adopted by the department for children and families, but not including a kindergarten approved by the state board of education.
- (3) A family child care home: is a child care facility which provides for care on a regular basis in the caregiver's own residence for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:
  - (A) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
  - (B) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age seven and older) and who reside in the residence of the caregiver.

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Types of child care providers are defined in statute (see above) and in regulation.

There are five separate sets of child care regulations each defining a specific type of provider. Three are center-based programs, two are home-based programs.

**Center-based Regulations**

**Licensed Early Childhood (ECP) Programs:** Licensed center-based programs for children from 6 weeks – 16 years providing out of home care for less than 24 hours per day. May be a private community based program or operated by and/or in a public school. May be a for-profit or non-profit entity.

**School Age Care (SAC) Program:** Licensed center based program providing out of home care for less than 24 hours per day for children enrolled in Kindergarten and higher grades. May be a private community based program or operated by and/or in a public school. May be a for-profit or non-profit entity.

*ECP programs do not need to apply for a separate license to serve school age children as part of their regular program. SAC Program licenses are generally held by programs who serve exclusively school age children.*

**Licensed Early Childhood (ECP) Programs for Non-recurring Clientele:** Licensed center-based programs for children from 6 weeks – 16 years providing out of home care specifically to meet the short-term needs of families arising from tourism, recreation or shopping. These day care facilities are often located at or near recreational areas, hotels, motels, lodges or shopping centers.

**Home- based Regulations**

**Licensed Family Child Care Home** – Licensed home-based program providing out of home care for less than 24 hours for up to 12 children from 6 weeks – 16 years in the residence of the licensee where the licensee is one of the primary caregivers. The provider's own preschool and home-based children are counted toward limit of 12 in licensed home settings. There are 12 Licensed Family Child Care Homes in Vermont.

**Registered Family Day Care Homes** – Registered home-based programs in the Registrant's residence where the Registrant provides children's day care services for not more than 10 children from 6 weeks – 16 years (as defined in 33 V.S.A. 4902 (3)). Registrant's children are not counted toward limit of 10.

**Licensed exempt/ Legally Exempt Child Care (LECC) Providers**

Vermont state law requires any person caring for children from more than two families (other than the provider's own family) to be registered or licensed. Individuals caring for children in less than two families other than their own are exempt from regulation. Families using **licensed exempt** providers and paying with their own resources make private arrangements for care not regulated or monitored by the state in any way – this universe is invisible to the state.

Families eligible to receive Child Care Financial Assistance (CC FAP) are permitted to use a licensed exempt provider. Preservation of the full range of family choice is a federal regulation in the Child Care and Development Fund (CCDF). In order to be paid as part of that program,



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providers must be approved by the Child Development Division. The definition of **Legally Exempt Child Care Providers (LECC)** is found in CDD regulation related to the CC FAP

**“Legally Exempt Child Care Provider (Provider)** – A person (1) who has obtained an Exempt Child Care Provider Certificate, (2) who is approved to provide legally exempt child care and (3) who is reimbursed for that care through the Agency of Human Services.”<sup>1</sup>

These providers and members of their household must pass criminal records and child abuse registry background checks and the provider must sign an agreement to provide a safe and healthy environment for children. There are no required educational or experiential qualifications and these providers do not have to meet any annual training or professional development requirements. Generally these providers are family, friends or neighbors of the assisted family. LECC providers must be approved for every assisted family they provide care for. If the assisted family stops using the provider, the provider’s approval is closed.

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<sup>1</sup> From CDD regulations “Legally Exempt Child Care Provider Requirements” Effective July 1, 1998

