



## DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

# VIRGINIA

State Policy Profile

Access to safe and appealing drinking water in child care and schools is a key strategy to build healthy habits that children will use for life to maintain a healthy body weight and to support overall health.

**RESEARCH METHODS:** This issue brief summarizes state-level policies that govern drinking water access and quality in licensed child care centers and public school buildings. Findings reflect laws and regulations in effect as of June 2017. The following state-level policies were reviewed for relevant provisions:

- Child care licensing regulations
- School building standards
- School nutrition standards
- School sanitation standards
- School facilities inventory requirements
- School joint purchasing provisions
- Food safety codes
- Plumbing codes
- Childhood lead poisoning prevention program regulations

## CHILD CARE CENTERS

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### Access to Drinking Water

**Is there a general state policy requiring that children be provided drinking water?**

Drinking water access is addressed in various child care licensing policies. As a condition of licensing, Virginia child care centers are generally required to make “safe drinking water” accessible “at all times” through “drinking fountains or individual disposable cups.”<sup>1</sup> When used, portable water coolers “shall be of

cleanable construction, maintained in a cleaned condition, kept securely closed and so designed that water may be withdrawn from the container only by water tap or faucet.”<sup>2</sup>

Nonverbal children are to be offered “[d]rinking water or [an]other beverage not containing caffeine...at regular intervals.”<sup>3</sup> When on field trips, child care centers are to provide children with “adequate” water.<sup>4</sup> In hot conditions, environments of 80°F or above, “attention shall be given to the fluid needs of children at regular intervals.”<sup>5</sup> Children in such environments shall be encouraged to drink water or other un-caffeinated beverages.<sup>6</sup>

### **How many drinking fountains are required?**

Virginia’s current plumbing code requires 1 drinking fountain per 100 occupants for child care facilities.<sup>7</sup> Water coolers or bottled water dispensers can substitute for up to 50 percent of required fountains.<sup>8</sup>

### **Are there specific requirements for drinking fountain maintenance and cleanliness?**

No

## **Water Quality**

### **Is routine water quality testing of taps and fountains used to supply drinking water required?**

No

### **How is the child care center water supply addressed?**

As a condition of initial licensing and annually thereafter, child care centers must provide written documentation of approval from the local health department for the water supply used by the center.<sup>9</sup>

### **Is water quality addressed in food safety provisions applicable to child care centers?**

Child care centers that prepare and serve food must get approval from the local health department for their food service operations.<sup>10</sup> The Virginia Food Code requires that public and private waterworks comply with applicable state water quality provisions.<sup>11</sup>

Child care centers with a private well must be “sampled and tested at least annually for nitrate and total coliform,”<sup>12</sup> and “[a]ll sample reports for the private well shall be retained on file in the food establishment for a minimum of five years and be made available to the regulatory authority upon request.”<sup>13</sup>

### **Are there any provisions relevant to water filters?**

The Food Code requires that water treatment devices used in food service areas such as water filters are made of safe materials and replaceable.<sup>14</sup> Water treatment devices must “be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, service records are to be maintained on file.”<sup>15</sup>

### **Does the Childhood Lead Poisoning Prevention Program address potential exposure to lead in drinking water?**

No<sup>16</sup>

## **SCHOOLS**

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### **Access to Drinking Water**

#### **Does state school nutrition policy address access to drinking water at no cost to students?**

No

#### **Are cups for drinking water required in food service areas?**

No

#### **What are the requirements for drinking fountains in schools?**

Drinking fountains are to be provided at a ratio of 1 per 100 building occupants, and are to be located in high traffic areas. School construction in Virginia is subject to the Virginia Uniform Building Code and a set of guidelines for school facilities promulgated by the Department of Education.<sup>17</sup> Virginia's current plumbing code requires 1 drinking fountain per 100 occupants for K-12 educational facilities.<sup>18</sup> Water coolers or bottled water dispensers can substitute for up to 50 percent of required fountains.<sup>19</sup>

The Department of Education's *Guidelines for School Facilities In Virginia's Public Schools* further specifies that drinking fountains and coolers "should be provided in high traffic areas such as public corridors, lobbies, gymnasiums, multipurpose rooms, music rooms, dining rooms and adjacent to auditoriums."<sup>20</sup>

### **Can school food service purchase drinking water supplies like cups through a purchasing collaborative?**

Yes. Virginia law permits cooperative procurement between a local school division and "one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services."<sup>21</sup>

## **Water Quality**

### **Is routine water quality testing of taps and fountains that convey drinking water required?**

Beginning in July 2017, Virginia school boards are required to test for lead in school drinking water and develop remediation plans if necessary. The law states that:

Each local school board shall develop and implement a plan to test and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, including bubbler-style and cooler-style drinking fountains, cafeteria or kitchen taps, classroom combination sinks and drinking fountains, and sinks known to be or visibly used for consumption.

The local school board shall give priority in the testing plan to schools whose school building was constructed, in whole or in part, before 1986.<sup>22</sup>

### **How is plumbing system maintenance in general regulated?**

Plumbing system maintenance would fall under Virginia's general statutory requirement that "[n]o public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard for decency and health."<sup>23</sup> The *Virginia School Health Guidelines*, a voluntary set of standards for school operations, further state that "[d]rinking fountain spouts should be of angle jet construction, with water pressure maintained so that it extends at least 1 inch beyond the mouth guard."<sup>24</sup>

### **How is the school water supply addressed?**

Where applicable, the Food Code requires that public and private waterworks comply with applicable state water quality provisions.<sup>25</sup> Schools with a private well must be "sampled and tested at least annually for nitrate and total coliform,"<sup>26</sup> and "[a]ll sample reports for the private well shall be retained on file in the food establishment for a minimum of five years and be made available to the regulatory authority upon request."<sup>27</sup>

### **Are there any provisions relevant to water filters?**

The Food Code requires that water treatment devices used in food service areas such as water filters are made of safe materials and replaceable.<sup>28</sup> Water treatment devices must "be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, service records are to be maintained on file."<sup>29</sup>

### **Does the Lead Poisoning Prevention Program address potential exposure to lead in drinking water at schools?**

No

## Information Gathering Systems

### Does Virginia conduct a statewide school facilities inventory?

Not at present. Virginia conducted a statewide school building inventory in 2013 pursuant to a request from then Governor McDonnell.<sup>30</sup> No additional ongoing school building inventory activities were identified.

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For additional information please visit [www.phaionline.org](http://www.phaionline.org) for the summary report: **Developing State Policy Recommendations for Safe Drinking Water Procurement in Child Care Centers and Schools**

<sup>1</sup> 22 Va. Admin. Code § 40-185-270 (2017).

<sup>2</sup> 22 Va. Admin. Code § 40-185-430 (2017).

<sup>3</sup> 22 Va. Admin. Code § 40-185-560(D) (2017).

<sup>4</sup> 22 Va. Admin. Code § 40-185-580 (2017).

<sup>5</sup> 22 Va. Admin. Code § 40-185-560(D) (2017).

<sup>6</sup> 22 Va. Admin. Code § 40-185-560(E) (2017).

<sup>7</sup> Va. Plumbing Code Table 403.1.

<sup>8</sup> Va. Plumbing Code § 410.1.

<sup>9</sup> 22 Va. Admin. Code § 40-185-250 (2)(a) (2017); 22 Va. Admin. Code § 40-185-260(B)(1) (2017).

<sup>10</sup> 22 Va. Admin. Code § 40-185-250 (2017); 22 Va. Admin. Code § 40-185-260 (2017).

<sup>11</sup> 12 Va. Admin. Code § 5-421-2050, 5-421-2080 (2017).

<sup>12</sup> 12 Va. Admin. Code § 5-421-2100 (2017).

<sup>13</sup> 12 Va. Admin. Code § 5-421-2110 (2017).

<sup>14</sup> 12 Va. Admin. Code §§ 5-421-2170, 5-421-2220 (2017).

<sup>15</sup> 12 Va. Admin. Code § 5-421-2330 (2017).

<sup>16</sup> Va. Dept. of Public Health, Childhood Lead Poisoning Prevention,

<http://www.vdh.virginia.gov/environmental-health/childhood-lead-poisoning-prevention/>

<sup>17</sup> Va. Department of Education, Office of Support Services, Guidelines for School Facilities in Virginia's Public Schools (rev. Sept. 2013).

<sup>18</sup> Va. Plumbing Code Table 403.1.

<sup>19</sup> Va. Plumbing Code § 410.1.

<sup>20</sup> Va. Department of Education, Office of Support Services, Guidelines for School Facilities in Virginia's Public Schools 28-29 (rev. Sept. 2013).

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- <sup>21</sup> Va. Code Ann. § 2.2-4304 (2017).
- <sup>22</sup> Va. Code Ann. § 22.1-135.1 (2017).
- <sup>23</sup> Va. Code Ann. § 22.1-135 (2017).
- <sup>24</sup> Va. Dept. of Health, Virginia School Health Guidelines 417 (May 1999).
- <sup>25</sup> 12 Va. Admin. Code § § 5-421-2050, 5-421-2080 (2017).
- <sup>26</sup> 12 Va. Admin. Code § 5-421-2100 (2017).
- <sup>27</sup> 12 Va. Admin. Code § 5-421-2110 (2017).
- <sup>28</sup> 12 Va. Admin. Code §§ 5-421-2170, 5-421-2220 (2017).
- <sup>29</sup> 12 Va. Admin. Code § 5-421-2330 (2017).
- <sup>30</sup> Va. Dept. of Education, Superintendent’s Memo #254-13, Request to Complete School Building Inventory (Sept. 20, 2013), [http://www.doe.virginia.gov/administrators/superintendents\\_memos/2013/254-13.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2013/254-13.shtml).