



Old Dominion Association of Church Schools

IMPORTANT UPDATE – NEW VDSS AND VDOE COVID-19 GUIDANCE FOR CHILDCARE AND FOR K-12

March 24, 2020

Dear ODACS Friends,

By now you have heard about the governor's announcement yesterday ordering all schools to remain closed for the remainder of the academic year. The announcement was quickly followed by the communication of updated and lengthy guidance from the Department of Social Services and the Department of Education. ODACS has studied the new guidance documents to gain an understanding of how they will affect our church-run schools, preschools, and daycares. *Please note that this update includes information that affects your K-12 school, your preschool, and your daycare. Also, please understand that this update does not replace the update that we published on March 19; rather, it supplements and builds upon the information in that update.*

Because of the seriousness of yesterday's announcement, and because of the volume of new information that was published yesterday by the state, ODACS believes that this is the most important update that we have published during the COVID-19 emergency. While we understand that you are being overwhelmed with information right now, we urge you to read this update thoroughly and to contact the ODACS office if you have any questions.

JOINT GUIDANCE FROM VDSS AND VDOE

Very quickly after the governor made his announcement yesterday, the Department of Social Services and the Department of Education issued an important memo entitled *Joint Guidance for Emergency Child Care During Statewide School Closure*. A copy of the joint guidance memo is attached with this update. ODACS has studied the Joint Guidance carefully and believes that our ministries need to pay careful attention to the following points of emphasis.

1. **Childcare providers are considered essential personnel.** This is a key provision of the Joint Guidance, and the governor also emphasized this point in his press conference yesterday. This means that, so long as they are in good health and exhibit no symptoms of COVID-19, childcare workers may continue to work and are not subject to the governor's recommendation to stay at home. *It is clear in the Joint Guidance that this essential personnel designation applies equally to caregivers in Religiously Exempt childcare centers.*
2. **If your childcare center remains open during the COVID-19 school closure, you must prioritize your services for children of essential personnel.** A list of essential personnel is included at the end of the Joint Guidance and later in this update. This doesn't mean that your childcare center must serve *only* children of essential personnel; it simply means that your childcare center must give *first priority* to children of essential

personnel. Also, your ministry should encourage families to keep their children at home as a first option and to request your childcare services only if they absolutely need them. *ODACS recommends that our ministries give serious consideration to taking advantage of this opportunity to minister to the families of essential personnel. This provision could potentially provide an excellent opportunity for reaching these families with the Gospel. For some of our ministries, the opportunity may also provide much needed revenue to help with the financial challenges that lie ahead. Caring for children of essential personnel during the COVID-19 epidemic may require our ministries to think outside the box about such matters as how we enroll children and how we help families who have difficulty paying childcare fees. It may be, however, that the Lord is giving us an open door to turn a serious emergency into a golden opportunity to minister to people's physical and spiritual needs!*

3. **If your childcare center remains open, you must notify Child Care Aware of Virginia and your local VDSS licensing office.** The purpose of this requirement is to enable Child Care Aware to publish information about available childcare for those who need it. To register with Child Care Aware of Virginia, use the following link. <https://www.surveymonkey.com/r/ccaovacovid19>
Furthermore, if you decide *not* to keep your childcare center open during the COVID-19 emergency, ODACS recommends that you notify your local VDSS licensing office. We anticipate that VDSS inspectors will continue to visit childcare centers during the pandemic; we already know of one church-run daycare that was inspected as recently as March 13. Notifying VDSS of your closure may help to prevent an unnecessary visit from an inspector.
4. **If your childcare center remains open, be aware that you may encounter the issue of whether or not to accept taxpayer subsidies.** The Joint Guidance document addresses the issue of parents who need financial help and directs them to various resources to help them apply for taxpayer-funded assistance. The state is interested in subsidizing childcare as much as possible, especially during the current emergency. *Since its founding, ODACS has taken a firm stand in opposition to taxpayer funding of church-run ministries. In view of our position on Separation of Church and State, and in view of the outcome of our Attorney General opinion request two years ago, ODACS advises its ministries not to accept any taxpayer subsidy for childcare services. Your ministry may want to consider alternative ways to assist families who need financial assistance in order to use your childcare services.*
5. **Essential personnel include the following.** According to the Joint Guidance document, essential personnel include health care providers; essential government employees; criminal justice personnel; police; firefighters; military personnel; employees who operate shelters; employees who ensure the continuity of basic services such as electricity, gas, water, internet, plumbing, and sanitation; employees who ensure essential transportation including public transit, trucking, and health care related transportation; employees who ensure access to essential food and pharmaceutical supplies; and staff and providers of childcare for children of other essential personnel.

VDOE FAQ ABOUT THE SCHOOL CLOSURE

Yesterday, the Department of Education published a list of frequently asked questions that apply to schools, preschools, and daycares during the COVID-19 emergency. The FAQ page is referred to in the Joint Guidance. A link to the FAQ page follows.

ODACS has studied the FAQ carefully and believes that our ministries need to pay careful attention to the following points of emphasis.

1. **Private schools are ordered to close for the remainder of the academic year.** Item 1 from the FAQ states clearly that the governor's new school closure order applies to private schools as well as to public schools.
2. **Private preschools are not required to be closed, despite the governor's school closure order.** Item 5 of the FAQ includes this important statement: "[C]lassrooms... that are run by private child care providers are not required to be closed." Some confusion arose yesterday because of statements by government officials that the school closure order applies to preschools. ODACS believes that those statements were intended to apply to public preschools only. Remember that, unlike Virginia's public preschools which are defined in Code as *not* being child day programs, Religiously Exempt preschools are considered child day programs under Virginia law and are subject to social services laws and regulations. Therefore, the current VDSS provisions that allow Religiously Exempt childcare centers to remain open during the COVID-19 emergency apply equally to Religiously Exempt preschools as they do to Religiously Exempt daycares. *Having said that, ODACS is taking the extra precaution of double checking with state authorities to verify that this information is correct.*
3. **Daycares may remain open during the school closure order.** Item 6 of the FAQ continues the provision that daycares may be open so long as they comply with the VDSS guidance published on March 18. Please see the March 19 ODACS update as well as the new VDSS childcare guidance to review key changes to help keep your daycare children and workers safe during the COVID-19 emergency.
4. **While private K-12 schools are required to be closed, the State Superintendent of Public Instruction may issue variances "in very limited circumstances."** Items 7 and 8 of the FAQ repeat the private school closure order but include private schools in the provision for a potential variance. Item 8 of the FAQ then gives instructions about how to seek a variance.
ODACS believes that it is highly unlikely that one of our schools would be granted a variance were it to request one. We can only guess at what factors might contribute to the superintendent's granting a variance, but we believe that the factors might include having a high percentage of students who are children of essential personnel, making a commitment to abide by the same 10 per room rule as childcare centers, and the need to serve students who cannot get access to online learning. For a school that is granted a variance, it is evident that there would be new strict rules applied to protect the students and teachers from COVID-19. Many of our schools have already successfully implemented various forms of distance learning, and continuing those modes of instruction is probably the best way to finish out the school year. If you believe that your school might need to request a variance, please feel free to contact the ODACS office to discuss your particular situation.
5. **Your K-12 school is free to continue to provide instruction, to follow your own curriculum, and to administer quizzes, tests, and exams.** Item 9 and item 36 of the FAQ recognize the authority of local public school divisions to set their own policies regarding academics and grades. It follows then that private schools also have autonomy

with regard to such policies. In item 36, VDOE *recommends* to public schools that they not assign grades for work completed during the closure; this recommendation seems to derive from concerns about potential inequity. However, it is evident that the state cannot require private schools to refrain from assigning grades for work completed during the closure.

ODACS recommends that each K-12 school adopt special policies in writing to govern student academic progress for the remainder of the school year. The policies need not be lengthy, but they should cover such basic information as defining the academic calendar for the remainder of the school year; tracking student attendance/participation in distance learning; setting deadlines for completion of assignments; administering quizzes, tests, and exams; assigning grades; and helping students who may not have easy access to online instruction. You might inform parents that such a document is in the works and that you will make it available to them by the end of this week. *Do not submit these policies to VDOE; the purpose of this recommendation is accountability to parents, not to the state.*

In addition to reading this update thoroughly, I encourage you to read both the Joint Guidance document and the FAQ document thoroughly to see if there is any other information that may affect your ministry. I hope that this information will prove helpful to you, and I am praying for all of our churches and schools during this challenging time. God bless you as you continue to minister to students and parents during the COVID-19 school closure!

Sincerely,

Dan Zacharias
Executive Director