



Old Dominion Association of Church Schools

Date: December 26, 2017

To: Division of Licensing

Cc: Charlene Vincent
Sharon Lindsay
Deborah Eves

Re: Serious Injury Reporting Request from VDSS

On November 13, VDSS issued a memo to Religious Exempt childcare centers requesting that the centers voluntarily notify VDSS of an Injury Requiring Outside Medical Treatment (IROMT)/ and Death of Children While Under the Center's/Provider's Supervision. Several ODACS ministries have contacted this office seeking advice regarding how to respond to this request.

After having reviewed the memo, ODACS has issued the following advice to its ministries.

1. ODACS ministries are advised to cooperate with the VDSS request that Religious Exempt childcare centers report the death of a child while under their care. The report should be filed online within one day of the child's death, and a corresponding written report should be kept on file at the center.
2. ODACS urges caution about cooperation with the request to report serious injuries. While each ministry is free to choose to report or not to report, ODACS believes that there are too many unanswered questions about the request, causing us significant doubt about whether cooperation would be prudent at this point.
3. ODACS ministries are reminded that, under Virginia law, their employees and volunteers are mandated reporters of suspected child abuse. ODACS will continue to offer assistance to its ministries with training employees and volunteers to understand and to comply with the mandate.

Regarding the reporting of serious physical injuries, ODACS has mixed feelings about such a requirement. On one hand, we welcome any fair and accurate comparison of the safety records of Religious Exempt childcare centers with the safety records of licensed centers and of other centers. On the other hand, we are concerned that such a requirement, once in place, could evolve into a tool for state overreach or control. Furthermore, we believe that primary accountability for such incidents is to the parents, not to the state.

A logical way to pursue improvement in child safety would be to objectively examine data to determine which childcare centers are safest and then to examine what it is that those centers do differently. In other words, we should be asking the fundamental question of what it is that makes a child safe or unsafe. By contrast, the government seems to be pursuing an agenda

that assumes that increased safety is automatically a function of increased government regulation and control. ODACS finds it interesting that VDSS has not used currently available data regarding founded cases of child abuse occurring in childcare settings to make a concise comparison of the safety records of different sectors of Virginia's childcare industry. ODACS has done that comparison and found that, though rare in both settings, a founded case of child abuse is nearly five times less likely to occur in a Religious Exempt center than it is to occur in a licensed center.¹

During the 2017 Virginia General Assembly session, ODACS was involved in negotiating a definition of *serious injuries* for the purposes of SB 1239. The primary concern of ODACS was that a reasonable definition be included in state code rather than in state regulations. Though the negotiations succeeded at reaching a definition that would have been placed in Virginia Code, the reporting requirement ultimately failed when the governor vetoed the bill. In other words, from the ODACS perspective, the state viewed it more important to continue the disproportionate regulation of church-run childcare centers that operate under the Religious Exemption from licensure than to establish a new requirement that Religious Exempt childcare centers report serious physical injuries.

ODACS is still open to establishing in Virginia Code a reasonable reporting requirement for reporting serious physical injuries.

Sincerely,

Dan Zacharias
Executive Director

¹ <http://vaodacs.com/assets/Uploads/PDF-Files/Lobbying-State-Government/Virginia-Child-Abuse-Safety-Gap.pdf>