



Old Dominion Association of Church Schools

Update for Church-run Preschools and Daycares Questions about the Recent VDOE Update, Dated June 20, 2023

July 22, 2023

Dear Pastors and Administrators,

We have received several questions in the ODACS office about a recent memo from the Virginia Department of Education to Religiously Exempt Child Day Centers. The memo is dated June 20 and is an update on several pieces of legislation that became effective on July 1, 2023. The purpose of this update is to help you better understand the VDOE memo from an ODACS perspective. We will address all of the topics in the order that they appear in the VDOE memo.

1. Background Checks for Accreditation by the Virginia Council for Private Education: House Bill (HB) 1701

This new law applies only to ODACS schools that have VCPE-recognized accreditation. As of the writing of this memo, those schools are Bethel, Fairfax, Faith, Heritage, and Temple in Herndon (Dulles).

HB 1701¹ was born out of confusion about what Virginia law says about accreditation by member associations of the Virginia Council for Private Education. One major VCPE member association contended that VCPE accreditors did not have legal authority to verify teachers' background check information. The purpose of HB 1701 was to state that authority plainly in the Code.

The initial draft of HB 1701 was poorly written,² in the opinion of ODACS. The language went well beyond the purpose of the bill, giving accreditors authority to *disseminate*, rather than merely to examine, the background check information. Furthermore, the original draft gave VCPE accreditors authority to examine background check information for non hires. In other words, your school could conduct a background check and decline to hire the person, but then VCPE would want access to the background check information anyway.

ODACS viewed both of these provisions as very dangerous and was preparing to oppose the bill. We expressed our concerns to the patron, Delegate Mike Cherry, and to the VCPE director, Grace Creasey. The Lord gave us a successful meeting with the VCPE lobbyist in which we were able to persuade VCPE to remove both of the

dangerous provisions. The result was a substitute bill³ that essentially codifies the status quo. As your ODACS director, I have chaired several accreditation teams on behalf of AACCS, and we have been routinely verifying background check information as part of that process.

We publicly supported the substitute bill in committee; it passed the General Assembly and was signed into law by the governor. The new law will change nothing for our accredited schools; it merely codifies a process that they have already been participating in.

¹ <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=HB1701>

² <https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+HB1701+pdf>

³ <https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+CHAP0253+pdf>

2. Amendments to Exemptions: Private School Exemption: House Bill (HB) 1713/Senate Bill (SB) 964

HB 1713⁴ made some changes to Virginia Code §22.1-289.030.B.9,⁵ which is one of the childcare licensure exemptions in the Code. SB 964 was an identical companion bill in the Senate. Since the bills do nothing to change the Religious Exemption from childcare licensure and therefore do not affect any of our ODACS ministries, ODACS did not take a position on the bills.

For reference, the Religious Exemption is found in §22.1-289.030.B.1.⁵ The Code section that protects your Sunday School, church nurseries, and Vacation Bible School from licensure is found in §22.1-289.030.A.7.⁵

⁴ <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=hb1713>

⁵ <https://law.lis.virginia.gov/vacode/title22.1/chapter14.1/section22.1-289.030/>

3. Penalty for Illegally Operating Providers: House Bill (HB)1636

HB 1636⁶ makes it a felony to operate a child day program illegally and then subsequently cause or permit a serious injury or death to a child.

In the opinion of ODACS, the language in the VDOE memo is somewhat misleading because of its use of the word *license*. ODACS studied the bill carefully; the real issue is not just licensure but whether a center is operating legally. Since our ministries operate legally under §22.1-289.030.A.7 and §22.1-289.030.B.1, the provisions of the new law do not apply.

However, the bill does demonstrate how important it is right now to establish training and procedures to keep our children as safe as possible.

⁶ <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=hb1636>

4. Commission on Early Childhood Care and Education: House Bill (HB) 1423/Senate Bill (SB) 1404

HB 1423⁷ and SB 1404 eliminate the School Readiness Committee and replace it with a Commission on Early Childhood Care and Education. The bills define the representation on the commission, and they set lofty goals for continued progress on what ODACS calls the march to Universal Childcare. While the bill does not affect ODACS ministries directly, for proponents of Universal Childcare it represents a significant step forward in the progress of their agenda. As such ODACS views it as another step in the wrong direction.

ODACS observed the House subcommittee deliberations with interest but did not take a public position on the bill.

⁷ <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=hb1423>

If you have additional questions about any of these matters, please do not hesitate to contact the ODACS office. Meanwhile, thank you for your dedication to the cause of Christian education, and thank you for your prayers!

Sincerely,

Dan Zacharias
Executive Director