



Old Dominion Association of Church Schools

ODACS Address to the Virginia Assembly of Independent Baptists, September 19, 2025

STATE THREATENS TEMPLE CHRISTIAN SCHOOL, MADISON HEIGHTS, WITH LEGAL ACTION

In the summer of 2024, Temple Christian School in Madison Heights received a series of threatening letters from the Virginia Department of Agriculture and Consumer Services (VDACS). The letters were in reference to a very successful fundraiser that the school had been holding each spring for several years. VDACS claimed that the school was in violation of Virginia's Solicitation of Contributions Law (VSOC). In a letter dated August 1, 2024, VDACS made the following threats against Temple Christian School.

- Legal action
- Issuance of a press release, warning the public not to contribute to Temple Christian School, because their contributions may be used for noncharitable purposes
- Fines of up to \$5,000 per solicitation

Temple was receiving what ODACS believes to have been very poor legal counsel from a Christian legal firm, which was advising them to make the school a separate legal entity from Temple Baptist Church by filing for separate 501(c)(3) status for the school only. It was at this point that red flags went up in the mind of the ministry's bookkeeper, and he decided to contact the ODACS office. ODACS then appealed to VDACS, making the following arguments.

- Churches are expressly excluded from the VSOC.
- By extension, all ministries of a local church are also excluded from the VSOC.
- The main reason for excluding churches from the VSOC is that if they were not excluded, then churches would have to get permission from the State in order to collect tithes and offerings. If this were the case, then a church would have to file a detailed annual report to VDACS on the activity of passing the offering plate. Such a policy would be a serious violation of a correct understanding of the principle of Separation of Church and State.
- Temple Christian School is an integral ministry of Temple Baptist Church.
- One of the ways that Temple Christian School raises funds is through the offerings collected by Temple Baptist Church.

What followed the appeal was a standoff with VDACS that lasted for several very tense weeks. Temple and ODACS prayed earnestly for God's intervention in the matter. Finally, on October 16, 2024, VDACS relented, acknowledged the validity of the ODACS argument, retracted all threats against the school, and closed the file on the case. God had answered our prayers!

STATE ATTEMPTS TO PROHIBIT VALLEY BAPTIST CHURCH FROM USING ITS DAYCARE BUILDING FOR DAYCARE

Valley Baptist Church in Edinburg operates a daycare and preschool, infants through age 4, using Virginia's Religious Exemption from Childcare Licensure as its legal basis for operation. Valley's preschool meets in the school building, and the infants and toddlers are cared for in the daycare building. In late May, 2025, Valley submitted its annual Religious Exemption paperwork to the Virginia Department of Education (VDOE). Valley had sought assistance from ODACS with preparing the paperwork, and we know that every detail was in order.

On May 22, 2025, Valley received its annual Religious Exemption Acknowledgement Letter from VDOE. However, unlike in previous years, this letter acknowledged use of the school building only, essentially trying to prohibit the ministry from using the daycare building for daycare. The omission was deliberate, and the prohibition had no safety basis and no legal basis whatsoever. On that same day, Mr. Zacharias had a meeting in Richmond with Jenna

Conway, VDOE's Deputy Superintendent for Early Child Care and Education, to discuss instances of VDOE overreach that ODACS ministries have been experiencing. In that conversation, Ms. Conway encouraged Mr. Zacharias to bring any future instances of overreach to her attention quickly.

On May 23, ODACS learned of the attempted prohibition and advised Valley to continue to use the daycare building as usual. ODACS also wrote an appeal letter on behalf of Valley, e-mailing it to the local VDOE licensing official on May 28, and copying it to two top VDOE officials in Richmond. On May 29, Valley Baptist Church and Daycare received an e-mail from a staffer at the Attorney General's Office, with ODACS copied, warning Valley that Dan Zacharias was posing as an attorney despite not being licensed to practice law in Virginia. The e-mail also warned Valley that "Mr. Zacharias has no legal standing to make decisions on behalf of Valley Baptist" and that "any appeal that he has alleged is void."

On Monday, June 2, despite the ominous warning from the AG's office, there was a flurry of communications between the local VDOE licensing official, the local building inspector, and our pastor, Chad Estep. Reason prevailed, and the issue was resolved when the licensing official issued an updated Religious Exemption Acknowledgement Letter that reinstated the use of the daycare building. ODACS followed up by sending a thank you letter to the licensing official and by copying the thank you letter to the VDOE officials in Richmond. Once again, God answered our prayers!

"VIRGINIA VALUES ACT" SUCCESSFULLY CHALLENGED IN COURT

In 2020, the Virginia General Assembly passed the so-called "Virginia Values Act," arguably the most progressive pro-SOGI law ever passed by any state to that date. The new law included an extremely broad definition of the term *Place of Public Accommodation*, which was expressly intended to include churches and church-run ministries. ODACS published a memo enumerating the dangers of the new law to churches and to church-run ministries. The law also posed a serious threat to Christian businessmen.

The law came into effect on July 1, 2020. In September, 2020, the Alliance Defending Freedom (ADF) filed a lawsuit in state court challenging the "Virginia Values Act" on behalf of two churches, three schools, and a pregnancy center network. The case was originally called *Calvary Road Baptist Church v. Herring* and later became known as *Calvary Road Baptist Church v. Miyares*. ADF argued that the Virginia Constitution and previous Virginia court decisions protected the rights of churches to hire only "individuals who profess and live according to religious beliefs held by [the ministries], including beliefs on abortion, marriage, sexuality, sex, and gender." In March, 2024, the case was settled, when "Virginia officials conceded that Virginia law protects the religious organizations' ability to operate consistent with their faith." In an e-mail communication with ODACS in May, 2025, Mr. Greg Baylor, attorney for ADF, said that according to the settlement, "the churches and religious schools challenging the law are not 'places of public accommodation,' [and that] as a result, they are not subject to the law's ban on [SOGI] discrimination...at least in the eyes of the state." Mr. Baylor went on to say that "this concession should bind future attorneys general – ones who might be more hostile to religious liberty than Jason Miyares."

While the settlement technically applies only to the plaintiffs in the case, the implications for all Virginia churches and Christian ministries are powerful. The settlement will make it very difficult for anybody to successfully bring a discrimination suit against one of our ministries under the "Virginia Values Act."

Unfortunately, the "Virginia Values Act" is still the law in Virginia. Efforts to add religious protections failed during the 2020 and 2021 General Assemblies. However, this legal challenge appears to have succeeded in the end at winning protection for our churches and Christian schools!

ADF Summary and Timeline of the Case

<https://adflegal.org/article/religious-freedom-prevails-after-christian-orgs-challenge-virginia-values-act/>

ADF Summary of the Settlement of the Lawsuit

<https://adflegal.org/press-release/settlement-affirms-va-religious-groups-free-operate-according-beliefs/>

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