

ODACS Concerns About the 2017 Fingerprint Bill

I. Safety Considerations

- A. Religious Exempt centers are safer than licensed centers. Data suggest that a child in a Religious Exempt center is nearly 5 times less likely to be a victim of abuse or neglect in the daycare setting than is a child in a licensed center. A further examination of this and similar safety data is necessary before passing laws and regulations to give the state more control over Religious Exempt centers.
- B. Conspicuously missing in discussions of tragic deaths occurring in child care settings is a direct comparison of data between licensed centers and Religious Exempt centers.
- C. It is evident from the tragic news of children dying in unlicensed day homes that a serious problem exists in this segment of Virginia's childcare industry. Rather than using these tragedies as a pretext for seeking further control over, and placing additional financial burdens upon, other license exempt centers, the state should consider new laws or regulations that would address that particular problem.

II. States Rights Considerations

- A. The fingerprint bill is a response to the federal Child Care Development Block Grant of 2014. Acceptance of the Block Grant funds effectively transfers a significant amount of power over preschool policy from the Commonwealth to the federal government.
- B. The General Assembly is being pressured to pass a law as a "federal requirement," when in reality no such requirement exists. The fingerprint law is a merely a condition with an incentive; the state must pass a permanent law as a condition for receipt of temporary federal funding.

III. Separation of Powers Considerations

- A. The Child Care Development Block Grant makes use of federal funding from the American Recovery and Reinvestment Act to create a new program that does not require Congressional approval or oversight.
- B. The Child Care Development Block Grant is an exercise of executive overreach at the federal level. While drafting the rules, the United States Education Department has admitted that "[t]he statutory language identifying which providers must conduct background checks on child care staff members is unclear." Nevertheless, the agency "proposed[d] to apply this requirement to all licensed, regulated, or registered providers, **regardless of whether they receive CCDF funds...**" (emphasis added)
- C. The Child Care Development Block Grant is an exercise of executive overreach at the state level. The funding was accepted by the Commonwealth's executive branch, with conditions being placed upon the General Assembly after the fact. The fingerprint bill is such a condition.

IV. Other Important Considerations

- A. The child care Development Block Grant helps to establish a new funding principle: **placing requirements on all so that a few can receive funding!** ODACS ministries seek no federal or state funding, yet the federal and state governments seek to place new requirements upon ODACS ministries as a condition of funding for other childcare centers! Such a funding model is unfair and un-American!
- B. The Preschool Development Block Program could have important **unintended consequences**. Since Religious Exempt centers are safer than licensed centers, moving Religious Exempt centers in the direction of licensure could result in such centers being less safe!