



Old Dominion Association of Church Schools

ODACS Position on HB 1235 and SB 927

January 20, 2020

ODACS Supports HB 1235 and SB 927

Imagine the following scenario in a Religiously Exempt childcare center.

- ONE adult is in a room caring for the following three children.
 - A 4-year-old
 - Another 4-year-old
 - Another 4-year-old

According to the staff-child ratios set forth in Virginia Code, this center is in compliance with the law.

HOWEVER, consider this slightly different scenario.

- ONE adult is in a room caring for the following three children.
 - A 4-year-old
 - A 7-year-old
 - A 10-year-old

In this scenario, many VDSS inspectors would cite the center for a violation of the Code, claiming that the Code requires the center to have THREE adults present, one for each child.

HB 1235 and SB 927 seek to fix this problem by clarifying the following sentence in §63.2-1716.A.3: “In each grouping of children, at least one adult staff member shall be regularly present.” There are two possible interpretations of this sentence in the Code.

Interpretation #1 – The words *each grouping* refer to age groupings on the ratio chart. Under this interpretation, a group of children with different ages cannot be considered as a single group under the care of one adult. For instance, if the group includes one four-year-old, one six-year-old, and one nine-year old, there should be three adults watching the three children. If a VDSS inspector were to find this group being cared for by one adult, the inspector would have no option but to cite the provider for a violation.

Interpretation #2 – The words *each grouping* refer simply to each group of children being cared for, regardless of the ages. Under this interpretation, a group of children with mixed ages is considered a single group, and the ratio of the youngest child present would be the ratio that applies to the group. In the scenario mentioned earlier, since the ratio for four-year-olds is 1:8, the center would be in compliance. If a VDSS inspector were to encounter the same scenario, the inspector would have no grounds to cite the provider for a violation.

ODACS maintains that the second interpretation is the intended and common sense interpretation. However, since much confusion continues with regard to §63.2-1716.A.3, we support the clarification offered in both HB 1235 and SB 927.