

**How Senate Bill 539 will affect ODACS Ministries  
Presented at the ODACS Annual Business Meeting, April 24, 2018**

**Topic 1**

**Sunday School, Church Nurseries, Vacation Bible School, etc.**

<p>Previously Church ministries were listed as Exemption 10 in the list of childcare licensure exemptions.</p> <p>“The following child day programs shall not be required to be licensed.”</p> <p>“10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.”</p>	<p>Beginning July 1, 2019 Church ministries are moved to a new section of the Code and defined as not being child day programs.</p> <p>“The following programs are not child day programs and are not required to be licensed.”</p> <p>“7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, <b><i>and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.</i></b>”</p>
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**Topic 2**

**Church Operated Preschools and Daycares (also known as the Religious Exemption)**

<p>Previously The Religious Exemption has long been listed as Exemption 1 and is pursuant to a separate and lengthy section of Code.</p> <p>“A child day program or child day center that has obtained an exemption pursuant to §63.2-1716.”</p>	<p>Beginning July 1, 2019 This language remains unchanged. However, during the 2017 session, Delegate Orrock successfully negotiated the repeal of §63.2-1716, and the restructuring bill passed both chambers with the repeal in place. Governor McAuliffe subsequently vetoed the bill, citing the repeal as his reason. Following the results of the 2017 General Assembly elections, Delegate Orrock and ODACS agreed not to pursue the repeal in 2018.</p>
<p>There were 14 childcare licensure exemptions on the list.</p>	<p>The list of childcare licensure exemptions has been reduced to 7 exemptions.</p>
<p>Only childcare centers operating under Exemptions 1 and 12 were required to register their exemption with the state.</p>	<p>All license exempt childcare centers must register their exemption with the state.</p>
<p>Only childcare centers operating under Exemptions 1 and 12 were subject to additional requirements under the law.</p>	<p>All license exempt childcare centers must meet the following legal requirements.</p> <p>“C.1. File with the Commissioner annually ...a statement indicating the intent to operate a child day program...and certifying in writing that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;</p> <p>C.2. Report to the Commissioner all incidents involving serious <b><i>physical</i></b> injury to or death of children attending the child day program. Reports of serious <b><i>physical</i></b> injuries, which shall include any <b><i>physical</i></b> injuries <b><i>that require an emergency referral to an offsite health care professional or treatment in</i></b></p>

	<p><b><i>a hospital</i></b>, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and</p> <p>C.3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure...”</p> <p>“D.1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;</p> <p>D.2. Maintain daily attendance records that document the arrival and departure of all children;</p> <p>D.3. Have an emergency preparedness plan in place;</p> <p>D.4. Comply with all applicable laws and regulations governing transportation of children; and</p> <p>D.5. Comply with all safe sleep guidelines <b><i>recommended by the American Academy of Pediatrics.</i></b>”</p> <p>“E. The Commissioner shall inspect child day programs that are exempt from licensure...to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.”</p>
<p>Ratios</p> <p>One staff member to four children from ages zero to 24 months.</p> <p>One staff member to ten children form ages 24 months to 6 years.</p> <p>One staff member to 25 children from ages 6 years and older.</p>	<p>Ratios</p> <p>One staff member to four children from ages zero to 16 months.</p> <p>One staff member to five children from ages 16 months to 24 months.</p> <p>One staff member to eight children from ages 24 months to 36 months.</p> <p>One staff member to 10 children from ages 36 months to 5 years.</p> <p>One staff member to <del>18</del> <b>20</b> children from ages 5 years to 9 years.</p> <p>One staff member to <del>20</del> <b>25</b> children from ages 9 years to 12 years.</p>
<p>Background Checks</p> <p>The original draft of the bill required Religious Exempt childcare centers to comply with “background checks established by regulation of the Board.”</p>	<p>Background Checks</p> <p><b>§63.2-1716 A.5.b. “<i>The center is in compliance with the requirements of section 63.2-1724 relating to background checks.</i>”</b></p>
	<p>“...the Commissioner of Social Services shall assess the need for different standards governing child day programs that are exempt from licensure pursuant to §63.2-1716 of the Code of Virginia,...and shall report his findings and conclusions to the Chairman of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by December 1, 2018.”</p>