

**Old Dominion Association of Church Schools  
Response to HB 1568 and SB 897  
2017 Virginia General Assembly**

**Summary**

Congress passed the Child Care and Development Block Grant in 2014 with the intention that conditions for federal funding would apply to recipients of the federal funds, not to non-recipients. In its rule writing, the U. S. Department of Health and Human Services exercised gross bureaucratic overreach by applying conditions to non-recipients, such as Religious Exempt Child Day Centers. **The General Assembly should strip new requirements from non-recipients of federal funds in these bills, keeping all federal funding already received, and refusing to pay any penalties, in accordance with the federal statute.**

Additionally, ODACS is concerned with proposed new language in these bills that would require daycare centers to receive the actual results of a background check (lines 244-249). To require childcare centers to keep such sensitive information on file exposes the centers to a new level of risk and liability that is not necessary in order to keep children safe.

**Supporting Safety Considerations**

Religious Exempt centers are safer than licensed centers. Data suggest that a founded case of child abuse is nearly 5 times less likely to occur in a Religious Exempt center than it is to occur in a licensed center.<sup>1</sup>

ODACS furthermore alleges that a comparison of fatalities at Virginia daycare centers and daycare homes would reveal that Religious Exempt centers are statistically much safer than licensed centers.

**Supporting Constitutional Considerations**

ODACS supports and defends the religious exemption from licensure on grounds of the principle of Separation of Church and State. State licensure of any church ministry is a violation of this principle.

Furthermore, ODACS avers that regulation of a church ministry to such an extent as to be *licensure in effect* is equally a violation of the principle of Separation of Church and State. Recent efforts to increasingly regulate Religious Exempt Centers are moving Virginia in the direction of such a violation.

**THEREFORE,**

ODACS requests that the General Assembly adopt the attached amendments to HB 1568 and SB 897. If the attached amendments are not adopted, then ODACS will likely be forced to oppose HB 1568 and SB 897.

<sup>1</sup> <http://www.vaodacs.com/assets/Uploads/PDF-Files/Lobbying-State-Government/Virginia-Child-Abuse-Safety-Gap.pdf>