

The Honorable _____

General Assembly Building
Richmond, VA 23219

January 26, 2017

Dear Senator (or Delegate) _____:

As a pastor/member of _____ Church (or parent/teacher/administrator with _____ School), which is a member of the Old Dominion Association of Church Schools, I first want to express my gratitude that ODACS was included in Senator Hanger's licensure exemption study group, created by SJ 63 in 2016.

I am writing in support of the proposed ODACS amendments to SB 1239. We ask that you would communicate to the conferees our support of the amendments. The amendments would accomplish two objectives that are important to us. First, the ODACS amendments would maintain staff/child ratios for school-age children that are more consistent with current Code. In the state's attempt to impose much stricter ratios on our ministries, no case has been made to demonstrate that the current ratios cause children to be unsafe. The ratios in the bill do not make sense when applied to our before-school and after-school settings and would have a significant financial impact on our families and ministries. Since ODACS attempts to address this issue in negotiations when the bill was before the Senate were unsuccessful, we are asking that conferees adopt these amendments to the bill.

Second, the ODACS amendments would tighten up the definition of "serious injuries" for purposes of the new DSS reporting requirements. We are convinced that the bill's current definition of serious injury is too broad and will sweep in many minor injuries, drowning our ministries, and DSS, in red tape. Adding the word *physical* to the definition and restricting incidents to those involving emergency room visits and/or hospitalization makes the definition much more consistent with the concept of *serious injuries*. We appreciate that the Senate substitute to the bill sought to define serious injuries in Code rather than in DSS regulations; we do ask however that conferees adopt these amendments which will further improve the bill.

We also wish conferees to understand why we appreciate other provisions of the bill. (1) SB 1239 includes adequate protections for church ministries such as Sunday school, VBS, and church nurseries. Furthermore, the bill places these protections in Code, rather than in DSS regulations. (2) ODACS welcomes the requirement that at least one staff member trained in CPR is always present with the children. (3) ODACS is grateful that new requirements for safe sleep and for reporting serious injuries are defined in the bill and that the bill apparently does not give DSS new regulatory authority over our ministries.

Finally, we welcome the use of data that will be collected from the new reporting requirements, for serious injuries and deaths, as a tool to compare the safety records of Religious Exempt centers with licensed centers. ODACS believes that in time the data will demonstrate our contention that Religious Exempt centers are among the safest in Virginia, if not the safest. ODACS takes strong exception to rhetoric that seems to paint all unlicensed daycares with one broad brush and to characterize all of them as unsafe. ODACS recently combed through five years worth of DSS data on instances of child abuse occurring in Out of Family settings. The results were compelling: a founded case of child abuse is nearly five times less likely to occur in a Virginia Religious Exempt center as it is to occur in a Virginia licensed center.

Since the late 1970's, ODACS has been a staunch defender of Virginia's Religious Exemption. ODACS ministries were involved in a lengthy court battle in the 1980's, which ended when the U.S. Fourth Circuit Court of Appeals decided that the Religious Exemption law was not un-Constitutional.

ODACS maintains that for the state to license any ministry of a church, or to pass laws or regulations that amount to licensure in effect, is a violation of the principle of Separation of Church and State. We are therefore hopeful that SB 1239 will serve to arrest future efforts for the state to gain further control over our ministries.

May God bless you for your service to the Commonwealth of Virginia, and we thank you for considering our perspective.

Sincerely,