



Old Dominion Association of Church Schools

Report from the General Assembly

February 9, 2018

Dear ODACS Friends,

Here is another quick update on pending legislation and on fingerprint background check implementation.

SB 121

This bill would repeal the sunset clause for the fingerprint background check requirement for Religious Exempt Daycares. SB 121 has passed the Senate despite our opposition and has been referred to the House Committee for Health, Welfare, and Institutions. **There is still time to contact your delegates to inform them of your opposition to SB 121.**

HB 873

HB 873 would extend the sunset clause by two years, from July 1, 2018, to July 1, 2020. On Tuesday, it passed the House Committee for Health, Welfare, and Institutions on a vote of 22-0. It is currently before the full House. **There is still time to contact your delegates to inform them of your support for HB 873.**

SB 539 and HB 1480

You will recall that these bills seek to dramatically restructure Virginia's childcare licensure exemption code. In the last update, we detailed several amendments that we have been seeking for HB 1480. We are pleased to report that the House Committee for Health, Welfare, and Institutions has unanimously adopted all of our proposed amendments! There is no doubt that God has intervened on our behalf in this matter; I look forward to telling how He did so when I give my report at our annual meeting in April! The process is not finished yet, though. HB 1480 is now before the full House of Delegates, and then of course it must be considered by the Senate while SB 539 is considered by the House. **There is still time to contact your delegates to inform them of your support for HB 1480.**

Urgent Update: Implementation of Fingerprint Background Checks

The director of licensing of the Virginia Department of Social Services has approached both ODACS and VAIB separately to request that we provide them with the names and addresses of Religious exempt daycares that want to pay for their own background checks. She knows that there is an Attorney General's opinion pending on this matter and that we are waiting for his

response. It appears that VDSS wishes to contact each of our ministries individually in order to try to talk them into immediate compliance, despite the fact that there is still plenty of time according to the implementation timeline that VDSS has published themselves. I have no intention of supplying them with such a list of ministries, nor do I see the need. Of course, they already have a list of all the Religious exempt daycares in the state.

Many or all of you received an e-mail from VAIB on Tuesday, asking you to complete a short survey. That e-mail was in response to the same request from the director of licensing. I had a long talk with Eddy on Wednesday about the survey; he indicated to me that what he was really trying to do was collect data on daycares that are NOT affiliated with ODACS (hence item 3 on the survey, "Our church day care is affiliated with ODACS"). **ODACS Advice:** *Do not respond to the VAIB survey.* Your response is not necessary. If you have already done so, I don't think there is anything to worry about, but you may want to double check with VAIB, if you prefer that your ministry contact information *not* be provided to VDSS, to make certain that that will not happen. For our part, ODACS is responding to VDSS with a simple reminder that we are still awaiting the opinion of the Attorney General.

Please keep in mind the purpose of our waiting. We are advising our ministries to pay for the background checks themselves in order to avoid obligating themselves to federal rules, which amount to licensure in effect and which include LGBTQ non-discrimination, because they've benefited from a federal subsidy under the federal Child Care and Development Block Grant. We are not yet comfortable that the reimbursement model offered by VDSS will adequately protect our ministries. We are willing to comply with implementation only when we know for certain that by doing so we will not be placing our ministries under federal rules that violate our deeply held Biblical convictions. Once we receive a response from the Attorney General, we will need to examine that response carefully in order to determine our next course of action.

Thank you for your continued support and prayers!

Sincerely,

Dan Zacharias
Executive Director