



Old Dominion Association of Church Schools

IMPORTANT UPDATE – VDSS JUNE MEMOS

June 22, 2019

Dear ODACS Friends,

VDSS has sent three important memos this month to our Religiously Exempt Child Day Centers (preschools and daycares). These memos include very important information to which our ministries must pay careful attention. Following is a brief summary of each memo.

1. June 4 Memo – Background Check Documentation

This memo notified all providers about an important procedural change for fingerprint background checks. When the criminal history request yields a “not eligible” result, the determination letter will be sent to the individual instead of to the childcare provider. Additionally, when the criminal history request yields an “unable to determine” result, the childcare provider is instructed to follow up with the applicant to determine whether a barrier crime has been committed. **Since ODACS views these changes to be somewhat confusing and potentially very problematic for our ministries, I have contacted the director of licensing with a couple of important questions (attached).** As soon as we get some clarification from VDSS, I will pass the information along to you.

2. June 12 Memo – Implementation of New Laws on July 1

Previously we informed you about new childcare laws coming into effect on July 1. One of these is HB 1627, which Delegate Orrock offered on behalf of ODACS this past session. The bill requires VDSS to prioritize its childcare inspection resources in a common sense way.

The other bill which comes into effect on July 1 is SB 529 from the 2018 General Assembly. You will recall that ODACS was deeply involved in negotiating the details of this bill on behalf of Religiously Exempt Child Day Centers. The initial draft of the bill was very unfriendly to our ministries. However, we sought a number of important amendments to the bill, and after much hard work and prayer, the Lord enabled us to get all of our amendments adopted!

The June 12 memo gives a brief summary of the new changes that will come into effect on July 1 as a result of SB 539. Among those changes are new child-staff ratios, newly required serious physical injury reporting, and new safe sleep practices for infants. **Each**

of our ministries needs to study all of the new requirements carefully and to be prepared by July 1 to follow them. Please feel free to contact the ODACS office if you have any questions.

3. June 18 Memo – Extending the Taxpayer Subsidizing of Background Checks

Once again VDSS is extending the time period through which they will use federal subsidies to pay for fingerprint background checks. We have predicted that this will be the case because we believe that the ultimate goal of VDSS and of the federal government is to make this subsidy permanent. Regardless, though, you will recall that in 2018 this was the issue that gave rise to our Attorney General opinion request. VDSS was going to give our church-run ministries no option but to accept the federal subsidy. We objected on grounds of Separation of Church and State, and VDSS would not answer our question about whether the subsidy would by default obligate our ministries to the subsidy vendor agreement. The vendor agreement is a lengthy, licensure-in-effect document which would place many new requirements on our ministries, including LGBTQ non-discrimination. In the end, the Attorney General's office instructed VDSS to change the policy and then cited the policy change as grounds for refusing to answer our questions. VDSS then issued our ministries new self-pay identification codes.

Your ministry should have a self-pay code to use when it schedules fingerprint background checks online. *If your ministry still does not have such a code, please contact the ODACS office immediately.* We will help you to contact the appropriate VDSS staff so that they can issue you a new code.

Please continue to pray for the Lord's protection for our churches, for our Christian schools and daycares, and for the children and families whom we serve! The issues surrounding childcare policy in Virginia are ongoing and complex, and we will continue to need God's wisdom and guidance as we minister to children. Thank you!

Sincerely,

Dan Zacharias
Executive Director