



## Old Dominion Association of Church Schools

2024 Virginia General Assembly

### PLEASE SUPPORT HB 222 AND SB 76

**ODACS urges you to support HB 222 (Delegate Bobby Orrock) and SB 76 (Senator Tara Durant). These bills would preserve Virginia's Religious Exemption from Childcare Licensure while giving church-run preschools and daycares the same freedom from government intervention that our Sunday schools and Vacation Bible Schools enjoy. Following are the reasons that ODACS supports HB 222 and SB 76.**

#### 1. VDOE Overreach

Over the past year and a half, ODACS ministries have experienced a serious of incidents of overreach by VDOE licensing inspectors. The most egregious of these cases happened in August at Bethel Baptist Church in Hampton, where a VDOE inspector exceeded her authority and threatened to close the summer day camp that the church was operating for elementary age children.

#### 2. VDOE Inspection Priorities

Virginia Code (§22.1-289.019) requires VDOE inspectors to prioritize their inspection resources as follows: first, inspections in response to complaints; second, inspections of licensed child day programs; third, inspections of license-exempt child day programs that are publicly-funded; and finally, inspections of other license-exempt child day programs. Given the high degree and frequency of scrutiny that our preschools and daycares are receiving, ODACS is skeptical that these priorities are being followed.

#### 3. Strong Legal History of Virginia's Religious Exemption

Virginia's Religious Exemption from Childcare Licensure was challenged in court in the 1980's on Establishment Clause grounds. In 1988, the United States Court of Appeals for the Fourth Circuit found that the law does not violate the United States Constitution. The U. S. Supreme Court declined to hear an appeal, and the decision of the Fourth Circuit has stood since. HB 222 and SB 76 would strengthen the alignment between Virginia's policy and the court's decision.

<https://law.justia.com/cases/federal/appellate-courts/F2/846/260/397215/>

#### 4. Saving Taxpayer's Money

HB 222 and SB 76 would save valuable resources of VDOE time and money. Those savings could be redirected toward other priorities.

#### 5. Important Safety Measures Maintained

HB 222 and SB 76 maintain the requirement of background checks for employees and volunteers, maintain the prohibition on hiring any person convicted of a barrier crime, and maintain the prohibition on hiring any person who is the subject of a founded complaint of child abuse.

#### 6. Freedom for Church-run Children's Ministries

ODACS believes that our church-run preschools and daycares should enjoy the same freedom from government intervention as do our Sunday schools, Vacation Bible Schools, and church nurseries! (§22.1-289.030.A.7)

#### 7. Religiously Exempt Childcare Centers Are Safe!

A recent analysis of Virginia child abuse data published by the Department of Social Services found that, while rare in both settings, **a founded case of child abuse is almost five time less likely to occur in a Religiously Exempt center as it is to occur in a licensed center!**

<https://www.vaodacs.com/assets/Uploads/PDF-Files/Childcare/Virginia-Child-Abuse-Safety-Gap.pdf>

<https://www.vaodacs.com/assets/Uploads/PDF-Files/Childcare/VCPS-Investigations-Summary-2009-2014.pdf>