



## **Old Dominion Association of Church Schools**

### **ODACS Position on HB 1235 and SB 927**

January 20, 2020

### **ODACS Supports HB 1235 and SB 927**

Imagine the following scenario in a Religiously Exempt childcare center.

- ONE adult is in a room caring for the following three children.
  - A 4-year-old
  - Another 4-year-old
  - Another 4-year-old

According to the staff-child ratios set forth in Virginia Code, this center is in compliance with the law.

HOWEVER, consider this slightly different scenario.

- ONE adult is in a room caring for the following three children.
  - A 4-year-old
  - A 7-year-old
  - A 10-year-old

***In this scenario, many VDSS inspectors would cite the center for a violation of the Code, claiming that the Code requires the center to have THREE adults present, one for each child.***

HB 1235 and SB 927 seek to fix this problem by clarifying the following sentence in §63.2-1716.A.3: “In each grouping of children, at least one adult staff member shall be regularly present.” There are two possible interpretations of this sentence in the Code.

Interpretation #1 – The words *each grouping* refer to age groupings on the ratio chart. Under this interpretation, a group of children with different ages cannot be considered as a single group under the care of one adult. For instance, if the group includes one four-year-old, one six-year-old, and one nine-year old, there should be three adults watching the three children. If a VDSS inspector were to find this group being cared for by one adult, the inspector would have no option but to cite the provider for a violation.

Interpretation #2 – The words *each grouping* refer simply to each group of children being cared for, regardless of the ages. Under this interpretation, a group of children with mixed ages is considered a single group, and the ratio of the youngest child present would be the ratio that applies to the group. In the scenario mentioned earlier, since the ratio for four-year-olds is 1:8, the center would be in compliance. If a VDSS inspector were to encounter the same scenario, the inspector would have no grounds to cite the provider for a violation.

ODACS maintains that the second interpretation is the intended and common sense interpretation. However, since much confusion continues with regard to §63.2-1716.A.3, we support the clarification offered in both HB 1235 and SB 927.