



September 26, 2024

Under the leadership of the new Deputy Secretary for Early Childhood Care and Education, and with the help of large sums of taxpayer dollars from the federal government, VDOE is rapidly implementing a new model of early childhood education, a model which favors uniformity over diversity and which evinces an objective of controlling all child rearing in the Commonwealth beginning at birth. ODACS is by no means opposed to VDOE's assisting at-risk children and families with getting the child care they desperately need. However, we have serious concerns about the way the new policies have been drafted and are being implemented.

First Concern – Contradictory Models of Funding and of Curriculum Oversight

Would this board and this department be in favor of sending generous taxpayer subsidies, sometimes tens of thousands of dollars, to private and even to church-run K-12 schools? Would VDOE favor subsidizing private and church-run K-12 schools with the condition that those schools align their curricula with the Virginia Standards of Learning and that those schools administer the SOL tests to their students? To ODACS, this suggestion sounds absurd, and we would hope that it also sounds absurd to the Virginia Board of Education. Nevertheless, what should be an absurd-sounding policy for 5-year-old and 6-year-old students is precisely the current practice in Virginia for 4-year-old students. How long can these contradictory models of funding and of curriculum oversight continue to exist in our Commonwealth?

Second Concern – VDOE Overreach

ODACS churches operate their daycares and preschools under Virginia's Religious Exemption from Childcare Licensure. Despite being exempt from licensure, and despite a long track record of being safer than licensed childcare centers, our preschools and daycares are subject to VDOE inspections in which we are increasingly treated as if we are unsafe by default. In the past two years, instances of overreach by VDOE inspectors have been increasing. Some inspectors are making arbitrary demands that they have no legal authority to make. The most egregious example of overreach happened in August, 2023, at Bethel Baptist Church in Hampton, when a VDOE licensing inspector, overreaching her legal authority and without basis, threatened to shut down the summer day camp that the church was operating for elementary age children. While the matter was resolved in few days, with VDOE finally acknowledging the overreach and retracting its threat, we believe that we learned much from the incident. Our churches are on high alert and preparing for the possibility of another such confrontation, though we hope and pray that it will not occur.

Third Concern – Child Safety

Critics of the Religious Exemption claim that children are safer in licensed settings than they are in Religiously Exempt centers. However, ODACS contends that just the opposite is true. The safest childcare settings in Virginia are in Religiously Exempt preschools and daycares that operate without taxpayer subsidies. Safety data collected by the state consistently shows that children in Religiously Exempt settings are safer than are children in licensed and/or subsidized settings.

- Data collected for many years by the Virginia Department of Social Services shows that a founded case of child abuse is 5 times less likely to occur in a Religiously Exempt center than in a licensed center.^{1,2}
- Data collected by the Virginia Department of Education shows that in a recent 12-month period, one child died in a licensed and subsidized center, while none died in Religiously Exempt centers. The same report shows that in the same 12-month period, the number of serious physical injuries that occurred in licensed and subsidized centers was *eleven times as many* as those that occurred in Religiously Exempt centers.

When adjusted for enrollment capacity, this means that a child in a Religiously Exempt center is 3 times less likely to experience a serious physical injury than is a child in a licensed and subsidized center.³

These safety facts may be counterintuitive to some people, but to ODACS they come as no surprise. There is an important question that needs to be asked. What is it that makes a child safe? Is it government laws and regulations? Is it not rather something else, something very different deep inside the mind and the heart of the caregiver? At the very least, the data strongly suggest that increasing government regulation and oversight does not make children safer. In fact, the case could be made that Virginia has reached a point of diminishing return on investment with respect to the ever-increasing and intrusive childcare laws and regulations.

Conclusion

ODACS has other concerns in addition to these three, and I would welcome an opportunity to discuss our concerns with any of you. In the long term, we believe that all of these concerns could end up being counterproductive to children's well-being as well as to VDOE's own objectives. We believe that now is the time, while Virginia is in the early stages of the implementation of this new policy, for this board to pause and reflect on the potential policy contradictions and unintended consequences that the new policy may manifest. Thank you for the opportunity to share these opinions with you, and thank you for your service to our Commonwealth.

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¹ <https://www.vaodacs.com/assets/Uploads/PDF-Files/Childcare/Virginia-Child-Abuse-Safety-Gap.pdf>

² <https://www.vaodacs.com/assets/Uploads/PDF-Files/Childcare/VCPS-Investigations-Summary-2009-2014.pdf>

³ <https://www.childcare.virginia.gov/reports-resources/administrative-program-manuals-reports-and-data/deaths-injuries-and-abuse-in-child-care-settings>