

PRIVATE NURSERY SCHOOLS AND KINDERGARTENS

**REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA**



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COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
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REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia

September 29, 1959

To:

HONORABLE J. LINDSAY ALMOND, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

A very large number of private nursery schools and kindergartens for children under six years of age are operated throughout the State, and the number is constantly increasing. There is no State-wide requirement for licensing of these schools, nor are there any regulations as to the qualifications of the teachers employed by them. Furthermore, there is no central State agency responsible for the establishment and enforcement of minimum housing, safety and sanitation standards in these schools. Although there is no central State agency expressly responsible for the establishment and enforcement of fire protection standards in these schools, the State Corporation Commission is charged with the duty of prescribing minimum fire protection standards for buildings in which ten or more persons are instructed, (twenty or more in Norfolk and Richmond); and the Commission and the Chief Fire Marshal are charged with the duty of enforcing compliance with the law and standards and prosecuting for violations.

There is no State agency nor any other source from which a list of all such schools in the State can be obtained. Various civic organizations and many interested individuals, mindful of the influence exerted upon children by experiences in the early years of childhood, and concerned with the health and safety of the children attending these schools, have urged that consideration be given to the enactment of State laws to insure high standards for these schools both as to the qualifications of the teachers and as to safety and health provisions.

To determine whether these matters should become subject to State regulations, the General Assembly at its 1958 regular session adopted House Joint Resolution No. 76 which follows:

HOUSE JOINT RESOLUTION NO. 76

*Directing the Virginia Advisory Legislative Council
relating to private nursery schools and kindergartens.*

Whereas, the number of private nursery schools and kindergartens for children under six continues to grow; and

Whereas, it is recognized that the early years of childhood are especially important in shaping the personality and character of boys and girls; and

Whereas, proper early childhood education is a vital concern of Virginia; and

Whereas, there are no State-wide requirements as to the licensing of private nursery schools and kindergartens, nor any method of certifying teachers or directors in such schools; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to make a survey and study of early childhood education in private nursery schools and kindergartens in the Commonwealth. The study shall include a survey of the types of schools and child-care institutions, including private day nurseries, nursery schools, kindergartens and like establishments which care for not fewer than five children between the ages of two and six in return for tuition fees or other forms of compensation. The Council shall collect and analyze information on housing, fire protection, sanitation, teacher qualifications and programs, and related matters in its study. All agencies of the State shall assist the Council. The Council shall conclude its study and make its report to the Governor and General Assembly not later than September one, nineteen hundred fifty-nine.

The Council assigned the study to Edward E. Willey, a member of the Council and of the Senate of Virginia, to serve as Chairman of the Committee to make the preliminary investigation and report on the study. The following were selected to serve with Senator Willey upon the Committee: W. Kuhn Barnett, Director, Division of Elementary and Special Education, State Department of Education, Richmond; Earle M. Brown, member of the House of Delegates, Lynchburg; Mrs. Enders Dickinson, III, Richmond; Mrs. James N. Garrett, Portsmouth; William R. Hill, member of the House of Delegates, Charlottesville; Mrs. Hazel Moore, Child Care Counselor, Arlington County; Harold H. Purcell, member of the Senate of Virginia, Louisa; Mrs. James Garnett Reid, Richmond; and Miss Susan Williams, Director of the First Presbyterian Church Kindergarten, Staunton.

The Committee met and organized, electing Earle M. Brown as Vice-Chairman and appointing John B. Boatwright, Jr., and Wildman S. Kincheloe, Jr., as Secretary and Recording Secretary, respectively, to the Committee.

The Committee met on several occasions and thoroughly discussed the matters under study. It also held a public hearing which was given very wide publicity. At the request of the Committee, the State Department of Education compiled as complete a list as possible of the various private nursery schools and kindergartens throughout the State. Notice of the public hearing, together with a copy of House Joint Resolution No. 76, was mailed to the director of each nursery school and kindergarten shown on this list. The public hearing was unusually well attended and numerous persons addressed the Committee on this occasion, among whom were representatives of various early childhood education and pre-school associations, representatives of various denominational church school systems, and individual directors and operators of private nursery schools and kindergartens. In addition, the Committee received comments and suggestions in writing from many operators of schools who were unable to attend the public hearing.

The Council has reviewed the report of the Committee, and now submits its own report based thereon.

Under the provisions of Section 22-218.2 of the Code of Virginia, kindergartens may be operated as a part of the local public school system. However, a kindergarten may not participate in the State school fund, but is supported by the local authorities. Very few localities operate kindergartens as a part of their public school systems. Therefore, the only pre-school education available in a vast majority of the localities is that afforded by the privately operated nursery schools and kindergartens.

As has been previously pointed out, private nursery schools and kindergartens are not subject to any form of State regulation, except incidentally as to fire protection standards if a particular school has an enrollment of at least ten children, or of twenty children if the school is located in Norfolk or Richmond. Private *day nurseries* are subject to regulation and inspection by the State Department of Welfare and Institutions, and must obtain a license from the Director of that department, in accordance with the provisions of Chapter 11 of Title 63 of the Code of Virginia. However, the State Department of Welfare and Institutions has no control over a private nursery school.

The only expressly authorized activity by a State agency in connection with private nursery schools and kindergartens is that permitted by Section 22-21 of the Code. This section allows the State Board of Education in its discretion to recommend provisions for standards for public and nonpublic kindergarten and nursery schools. However, this same section provides that no such nonpublic kindergarten or nursery school shall hold itself out to the public as having been sanctioned or approved by the State Board of Education. Pursuant to the provisions of this section, the State Board of Education in February, 1955, issued a publication entitled "Nursery Schools and Kindergartens in Virginia, a Guide to Self-improvement". It is our understanding that many private nursery schools and kindergartens have favorably received this publication and have attempted to follow the suggestions and recommendations outlined therein. We are also advised that the State Department of Education plans a revision of this publication.

Since there is no requirement for licensing, or even registration of private nursery schools and kindergartens, the Department of Education does not have available to it a complete mailing list of these schools, and thus is unable to insure receipt by every such school of these publications.

Arlington County is the only locality in Virginia which imposes any requirements concerning the operation of private nursery schools and kindergartens. In 1943 this county enacted an ordinance requiring all private school groups to meet certain minimum standards and comply with all county requirements for health and safety as a basis for securing a license to operate.

At an early stage of the study, it was determined that the scope of the inquiry should be limited to the four following questions: (1) Whether private nursery schools and kindergartens should be required to register with the State Department of Education, with no fee being charged for such registration; (2) Whether the State Department of Education should promulgate regulations for such schools (including regulations as to teacher qualification) and approve those schools which voluntarily comply with such regulations; (3) Whether the facilities of such schools should be

considered, and whether those which are unsatitary and constitute a fire hazard should be controlled; and (4) How far should the State go in regulating such schools, or should the responsibility for such regulation be placed on the localities, with basic requirements being promulgated at the State level, and supplemented by any locally desired additional regulations. Advance publicity as to the public hearing stressed these points of discussion.

Many varying viewpoints were urged upon the Committee. Some advocated the establishment and enforcement by the State of standards for private nursery schools and kindergartens, including standards as to teacher qualification. Others opposed any standards as to teacher qualification, but agreed that safety and health standards should be established and enforced. However, many of those who agreed to the establishment and enforcement of safety and health standards were opposed to such regulation and enforcement being effected on a State level. Many were opposed to any regulation whatsoever.

The arguments for and against State-wide regulation of nursery schools and kindergartens may be summarized as follows: The preschool years of children are very impressionistic and experiences undergone during these years exert considerable influence upon the children. The experience of attendance at a nursery school and kindergarten would certainly make a strong impression upon the child. The wholesome experience gained by a child from attendance at a nursery school or kindergarten adequately housed and equipped, and staffed by competent teachers, would have a beneficial effect upon the child as he enters the public school system. Conversely, attendance at a poorly housed and equipped school, or one staffed by teachers who do not possess suitable qualifications, might well have an effect upon the child detrimental to his progress in the earlier public school years. The strongest argument for imposition by the State of uniform standards upon private nursery schools and kindergartens is that all children attending these schools would receive beneficial preparation for their advent into the public schools. The possible burden of overcoming the detrimental influence upon children of attendance at a sub-par nursery school or kindergarten would not then be cast upon the public schools. It might be argued that since public schools are subject to uniform standards, schools which assume to prepare children for public schools should also be subject to uniform standards.

On the other hand, a parent who enrolls his child in a private nursery school or kindergarten is an individual seeking something for the child which the State has not provided. This is a voluntary matter, as the parent is not required to send the child to such a school. The parent, it may be argued, has the opportunity of investigating the school or schools available to his child and should be capable of determining whether the school is housed in an adequately safe and sanitary building, and whether the teachers are competent and are persons to whom he is willing to entrust his child for care and instruction. This is particularly true of parents in a rural community or small town, where everyone knows everyone else. Persons in such a community would be personally acquainted with anyone operating a private nursery school or kindergarten as well as with the teachers in the school, and would have personal knowledge of the physical facilities in which the school is being operated.

This, in turn, points up the most compelling reason for leaving to the localities the determination of whether private nursery schools and

not, for the reasons stated, wish these schools to be regulated. The authorities in a metropolitan community, where the patrons of these schools do not have the intimate knowledge of the physical facilities and acquaintance with the faculty members as do those in a rural community, can impose and enforce regulations if it becomes apparent to them that such a step is necessary. State-wide regulations would impose regulations where they are not desired, and in many instances would be resented by the citizens of a community.

The strongest expressions of opposition to State regulation of private nursery schools and kindergartens were made with respect to establishment of qualifications for teachers in these schools. It was contended, and we think with some merit, that a college degree is not an essential requirement for a nursery school or kindergarten teacher, but that the chief qualification of a teacher in these schools is understanding of and love for children. Requirements of educational qualifications for these teachers, particularly if such requirements were based on extremely high standards, would necessitate the payment of salaries which operators of many of these schools cannot afford to pay at the tuition rates presently charged. Such requirements would, therefore, force them either to abandon operation of their schools, or to considerably raise their tuition charges. If the tuition charges are raised, many parents who now enroll their children in these schools would be financially unable to continue doing so. Thus, the lack of patronage would ultimately compel the discontinuance of the schools, and many children throughout the State would be deprived of desirable pre-school education and training.

After a thorough discussion and consideration of the facts before us and the views expressed to the Committee, we have concluded that it would not be desirable at this time for the State to attempt regulation of private nursery schools and kindergartens, not even to the extent of approval by the State Department of Education of such private nursery schools and kindergartens which might comply with regulations which the Department might establish. We recognize that the Department of Education cooperates with these institutions when requested to do so, and we urge a continuance of such cooperation.

We are of the opinion that it should be left up to the localities to enforce safety, fire and health regulations in private nursery schools and kindergartens, and that the State should not regulate these schools in this respect any more than it is doing so at present.

However, we do feel that it would be advisable and of benefit both to the private nursery schools and kindergartens and to the patrons thereof that these schools register with a central agency. Therefore, we make the following recommendation:

RECOMMENDATION

Private nursery schools, private kindergartens, and like private educational establishments which care for not fewer than 5 children between the ages of 2 and 6 in return for tuition fees or other forms of compensation should be required to register with the State Department of Education. No fee should be charged for such registration. The registration should set forth the name and address of the school, the name and address of the director or principal, the number of children enrolled therein and the

number of staff members. Such registration should be made prior to October 15 of each year.

REASONS FOR RECOMMENDATION

We believe that a complete listing of private nursery schools and kindergartens should be compiled and kept up-to-date. This is desirable from several standpoints. A parent may wish information as to available nursery schools and kindergartens in his locality. A locality may find itself in need of ascertaining the names and locations of private nursery schools and kindergartens within its boundaries, for the purpose of enforcing safety, health and fire regulations, and any other regulations concerning these establishments which it might adopt. The State Board of Education in exercising the discretion permitted by § 22-21 of the Code to recommend provisions for standards for private nursery schools and kindergartens is certainly in need of such information. Without access to a complete list of these schools, the Board has no way of forwarding such recommendations to every such school.

It is obvious that a complete and up-to-date list of private nursery schools and kindergartens cannot be compiled and maintained by voluntary methods. The only way in which this objective can be accomplished is by requirement that these schools register annually with an agency of the State. We do not believe that any operator of a private nursery school or kindergarten will object to mere registration with a State agency, particularly in view of the fact that no fee will be charged for such registration, and that the registration will not entail either State regulation or licensing.

Since the State Board of Education may make recommendations to these schools, and of necessity must communicate with them for the purpose of transmitting such recommendations from time to time, it seems logical for the sake of convenience that these schools register with the State Department of Education. Furthermore, many of them have been seeking the assistance and recommendations of the State Department of Education, and are therefore already corresponding with that Department. We, accordingly, have designated the State Department of Education in our recommendation as the State agency with which private nursery schools and kindergartens should register.

CONCLUSION

We express our appreciation to the members of the Committee for the contribution of their time and service to the conduct of this study. We also recognize the cooperation given the Committee by the State Department of Education during the course of the study.

Draft of suggested legislation for carrying out the recommendation made in this report is attached.

Respectfully submitted,

JOHN H. DANIEL, Chairman

ROBERT Y. BUTTON, Vice-Chairman

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JOHN WARREN COOKE

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A BILL to amend the Code of Virginia by adding thereto a section numbered 22-21.2, so as to require private nursery schools and kindergartens to register annually with the State Department of Education.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 22-21.2, as follows:

§ 22-21.2. Every private nursery school, every private kindergarten and every like private educational establishment, which cares for and gives instruction to not fewer than five children between the ages of two and six in return for tuition fees or other forms of compensation, shall register prior to October fifteen of each year with the State Department of Education. Such registration shall set forth the name and address of such nursery school, kindergarten or other educational establishment, the name and address of the director or principal thereof, the number of children enrolled therein and the number of persons on the staff thereof. No fee shall be charged for such registration.

