

**A STUDY OF THE NEED FOR AND  
APPROPRIATENESS OF PUBLIC SCHOOL  
OPERATED DAY CARE PROGRAMS FOR SCHOOL AGE CHILDREN  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 16**

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## Introduction

House Bill 1726, as amended, which was passed by the General Assembly in 1979, directed the Division for Children to "study the need for and advisability of public school programs for pupils before and after regular school hours, and report its findings and recommendations to the Governor and General Assembly on or before November 1, 1980." Since the original intent of the legislation was related to the appropriateness of public schools providing extended day care programs for school age children before and after regular school hours, we have focused our study in that area.

The text of House Bill 1726 is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1726  
(Proposed by the Senate Committee on Education and Health)  
(Patron Prior to Substitute-Delegate Plum)

A BILL authorizing the school boards of Arlington County and Falls Church City to provide certain programs and directing the Division for Children to conduct a study of such programs.

Be it enacted by the General Assembly of Virginia:

1. § 1. Until June thirty, nineteen hundred eighty-one, the School Board of the County of Arlington and the School Board of the City of Falls Church may provide programs for school-aged pupils before and after the pupils' regular school hours.

§ 2. The Division for Children created pursuant to § 2.1-550 of the Code of Virginia shall study the need for and advisability of public school programs for pupils before and after regular school hours and shall report its findings and recommendations to the Governor and General Assembly on or before November one, nineteen hundred eighty.

### I. Background of the Study

The involvement of the public schools in the provision of day care services to kindergarten and elementary age school children is not a new phenomenon. Although the issue of school involvement in day care is controversial and there is resistance in some communities, at least 100 of the nation's school systems are now involved in providing before and/or after school care.<sup>1</sup> This involvement on the part of the schools has served to stimulate a national forum on the many issues involved in this so called "extended day care." James A. Levine, author of Day Care

and the Public Schools, summarizes some of these issues:

Much heat but little light has been generated in debate about using the public schools as a provider or sponsor of day care services. Proponents of school-run day care argue that the facilities are in place, elementary classrooms are emptying, and there is a surplus of teachers. Opponents contend that day care is different from schooling, that elementary teachers are not prepared to meet the needs of young children or their families, and that public school control of day care will institutionalize - in the worst sense of word - the care of small children. Well-defined on each side, the arguments are leading to a not uncommon phenomenon in day care: polarization of interest groups.<sup>2</sup>

In Virginia, extended day care programs in the public schools are also not a new occurrence. The Arlington County Public Schools began a before and after school program in 1969, and as of October 1978, had 1,239 children enrolled in four programs: before-school, after-kindergarten, after-school, and early release. In October of 1975, the City of Falls Church Public Schools began a program with one center, 27 students, and 3 counselors; the program has now grown to 3 centers, 105 students, and 10 staff members. An extended day care program in Fairfax County serves 900 children in 25 elementary schools located throughout the County. The administrative responsibility for this program, which has been operational for the past six years, was transferred to the Fairfax Office for Children as of July, 1979.

In December of 1978, Attorney General Marshall Coleman, in response to a letter from Delegate Vincent F. Callahan, Jr., indicated that a local school board is not legally authorized to operate a day care program. The opinion of the Attorney General stated that local public bodies may exercise only those powers conferred expressly or by necessary implication.

The powers of school boards are limited to those expressly granted, necessarily implied, or essential and indispensable to the functions of such board. *Commonwealth v. Arlington County Board* 217 Va. 558,232 S.E.2d 30(1977). No statute expressly authorizes county school boards to provide day care centers. For a power to be necessarily or fairly implied, it must be consistent with, and directly related to, a stated power or function of the board.

The nature of day care activities is essentially custodial in nature by providing care and supervision for children in the place of their parents or guardians. Day care centers are not essentially related to education, nor are its functions primarily directed toward education. Therefore, there is no necessarily implied relationship between the authority granted by the Virginia constitution to the local school board to supervise the schools in the division and the operation of day care centers.<sup>3</sup>

The Attorney General did, however, note that a local school board "could allow a day care center operated by another entity to use school property."<sup>4</sup> The complete text of the Attorney General's opinion is provided in Appendix A.

As the result of the Attorney General's opinion, Delegate Kenneth R. Plum of Fairfax introduced enabling legislation in the 1979 General Assembly, House Bill 1726, which stated that "A school board may provide day care programs for pupils in the public schools of the school division, before and after the pupils' regular school hours." Before passage, however, House Bill 1726 was amended by the Senate and significantly limited in scope. The final version of the legislation, enrolled and signed by the Governor, allows that "Until June 30, 1981, the School Board of the County of Arlington and the School Board of the City of Falls Church, may provide programs for school-aged pupils before and after the pupils' school hours." The bill also required the Virginia Division for Children "to study the need for and advisability of public school programs for pupils before and after regular school hours and report its findings to the Governor and General Assembly, on or before November 1, 1980."

## II. Methodology

In order to gather the most relevant and accurate information available, a multi-faceted approach was taken for the design of the study on extended day care. The approach, in essence, included three basic steps: involving experts on day care in the study, collecting relevant statistics and programmatic information, and soliciting input from the general public.

### A. Involvement of Day Care Experts

As the initial step in beginning the study, an advisory task force of nine professionals in the area of child care/child development was established. Special care was given

to include both the public and private perspectives on the task force. A total of six meetings of the task force were held, three of which evolved around site visits to local extended day care programs. Site visits were made to programs operated by the public schools in Arlington County and the City of Falls Church; to a program in the Fairfax County Public Schools, operated by the Fairfax Office for Children; and to two private programs in Richmond, at the Hatcher Child Development Center, and at a Kinder Care Learning Center. The task force made valuable input on an ongoing basis, and made recommendations to the Division for Children regarding the need for and appropriateness of public schools providing extended day care programs. A list of the task force members is provided in Appendix B.

B. Collection of Relevant Information

Review of Demographic Variables:

One factor of tremendous influence in the rising need for day care for school age children is the large influx of women into the civilian work force during the past decade. As a result, data on this emerging trend was collected and is highlighted in the need section of this report.

Programmatic information:

Information on extended day care programs was assimilated both through written requests for information and on-site visits. These requests for information and site visits were made both to programs in the Commonwealth of Virginia and to programs in other states. As noted in A. above, site visits were made to extended day care programs in Arlington County, the City of Falls Church, Fairfax County, and the City of Richmond. In addition, staff at the Division for Children made site visits to programs in Hot Springs, Virginia, and Raleigh, North Carolina. The Mertz Child Care Center in Hot Springs is part of the vocational wing of the Bath County High School and serves the dual function of providing training in child care for high school students and providing day care to pre-school and school age children. In Raleigh, the site visit was made to Phillip's Elementary School, which operates an extended day care program for the elementary school children.

It should be emphasized that both written requests and personal site visits were not limited to extended day care programs operated by public school systems. An effort was made to secure information on a variety of program models.

C. Public Input

Public input regarding the need for the appropriateness of public schools providing day care programs was solicited in two ways: Through a telephone survey of working parents with school age children; and a series of three(3) public hearings.

Telephone Survey:

In initiating the telephone survey, organizations in the Richmond, Tidewater, Bath County, and Albemarle (Southside Virginia) areas were asked to identify working parents with school age children who would be willing to participate in a telephone survey. From each area approximately 15 to 20 parents were identified. Those parents that were contacted and surveyed were in turn asked to identify other working parents with school age children who might be willing to be surveyed.

Following the identification process a brief questionnaire was administered to a total of 107 parents. The results of that survey are presented in the need section of this report.

Public Hearings:

Following the formulation of tentative recommendations by the Division for Children regarding the need for and appropriateness of public schools providing extended day care programs, a series of three (3) public hearings were held in the Cities of Hampton, Roanoke, and Annandale on August 27, September 3, and September 5, 1980, respectively. These hearings were designed to solicit public input regarding the tentative recommendations, and were advertised through press releases to local newspapers, radio stations, and television stations, and the dissemination of copies of the recommendations to members of the task force, legislators, school administrators, and private day care associations.

Individuals making presentations at the hearings were asked to limit their remarks to five (5) minutes and provide the Division for Children with a written copy of their presentations. In addition, all oral comments made at the hearings were recorded.

Presiding at each of the hearings was either the Director or Assistant Director of the Division, accompanied at two of the hearings by a member of the Division for Children's Advisory Board.



In addition to presentations made at the hearings, other written comments regarding the recommendations were accepted through September 9, 1980. A summary of the comments made concerning the recommendations is presented in the need section of this report.

### III. The Need for School Age Day Care

#### A. Demographic Factors

During the past decade, the labor force patterns of families in the United States have changed dramatically, indicating an increasing need for day care services to children and their families. During the 1970's more women entered the civilian work force than at any other time in history. From 1971 to 1978, an average of well over a million women a year were added to the work force, with a record of 1.9 million being set in 1978. By the middle of 1979 approximately 43 million women, or fifty-one percent (51%) of all women 16 years of age or older, were working. These working women constituted nearly half (43%) of the nation's total work force.<sup>5</sup>

The rapid influx of women into the work force has great significance for both two parent families and single parent families. Since 1970, the number of children in husband-wife families has declined by more than 9 million. However, the number of children whose mothers work has risen by 1.7 million. As of March 1978, nearly half of all children in husband-wife families had working mothers<sup>6</sup>, and there were 12.5 million married women with children who were working or looking for work.<sup>7</sup> Fifty-seven percent (57%) of all married women with school age children were working.<sup>8</sup>

Concurrently, the number of families headed by women who have either never married or have divorced, separated, or widowed, has increased forty-eight percent (48%) since 1970. As of March 1978, 8.2 million families were headed by women who fell into this category.<sup>9</sup> Furthermore, there were 3.7 million single, widowed, divorced, or separated women with children either working or looking for work.<sup>10</sup> In addition, the number of families headed by men who had never married, or were divorced, separated, or been widowed, increased by 355,000 to 1.6 million in March 1978.<sup>11</sup>

In Virginia, similar demographic changes have taken place. For example, as of the Spring of 1976, there were 591,000 married women, with a husband present, in the Virginia civilian labor force. Of these women, twenty-six percent (26%) had children under the age of 6. Of the total number of married working women, fifty-four percent (54%) had children under the age of 18.<sup>12</sup> In fact, as of the Spring of 1975, 251,000 or thirty-seven percent (37%) of all mothers with children under the age of 18 were in the Commonwealth's labor force.<sup>13</sup>

These statistics clearly delineate the need for day care for preschool children and school age children. Also of significance is the smaller size and mobility of the American family. With an average family size of about 2.1 children per family, there are fewer older siblings to care for younger children.<sup>14</sup> Furthermore, the transient nature of the family of today may well preclude care by a relative as a child care alternative.

Day care for the school age child is a special and perhaps unrecognized need facing many American families. In the United States today there are at least 5 million school age children under the age of 13 enrolled in some form of before and after school day care arrangement.<sup>15</sup> However, before school, after school, and during holidays and school vacations, there are still at least 2 million young school age children between the ages of seven and 13 that are left home alone with no supervision. This figure does not include the number of five and six year olds who could be in similar situations.<sup>16</sup> Because the parents of these children must work during these time periods, many school age children are sent home with a key tied around their necks. This phenomenon has engendered the term "latchkey child."

According to a recent study by the Urban Institute, there will be nearly ten and a half million preschool children with working mothers by the year 1990.<sup>17</sup> By the time these children enter school, an already serious need for school age child care could be multiplied many times over.

#### B. Telephone Survey

As indicated in the methodology section of this report, a limited telephone survey of working parents with school age children was conducted in an effort to identify the need

for day care for school age children before and after regular school hours. A total of 107 parents from four different areas of the State were surveyed by telephone.

One of the questions in the survey was designed to identify what types of day care arrangements these parents have for their school age children. The responses to this question indicated that, out of 121 children, forty five percent (45%) were cared for by a parent or other adult relative; nineteen percent (19%) were cared for by another person, other than a relative, in their private home; and even more significant was the finding that another nineteen percent (19%) of the children were home alone by themselves before and after school. An additional seven percent (7%) of the children were cared for by an older child in the family, and an equal percentage (7%) were cared for in a day care center (either private for profit, private non-profit, or public school oriented).

As a follow-up question, the respondents were asked to express their feelings regarding the day care arrangements for their school age children. Of the 97 parents that responded to this question, seventy-seven percent (77%) expressed satisfaction with the arrangement, nineteen percent (19%) were dissatisfied, and four percent (4%) were unsure.

Another question in the survey asked the parents to assess the need for day care services for school age children in their community. Of the 98 parents responding, eighty-seven percent (87%) indicated that there was a need for such services, seven percent (7%) indicated that there was no need, and six percent (6%) were unsure. When asked to identify what agency or organization could best meet the need for such care in their community, a variety of alternatives were articulated. Out of 118 responses, twenty-five percent (25%) indicated a preference for a private, non-profit center; twenty-one percent (21%) indicated a preference for a church center; nine percent (9%) identified a private, for profit center as the best alternative; six percent (6%) indicated a parent or adult relative as their preferred choice; and four percent (4%) indicated a preference for another person, other than a relative in their private home. A number of other feasible alternatives were also suggested, including the following: a collective of parents; using a public school facility and contracting out for services; an employer; a county recreation department; a private school; and a community organization such as the YMCA. It should be noted that eight percent (8%) of

the respondents did not identify a preference.

As a final question, the parents were asked if it would be appropriate for public schools to provide school age day care, if the need for such care had been identified in their community. Out of 107 respondents, seventy-five percent (75%) indicated that it would be appropriate for public schools to provide before and after school care; eighteen percent (18%) said it would not be appropriate; and seven percent (7%) were unsure.

Several conclusions can be drawn from the telephone survey of working parents with school age children. First, there is general agreement among the respondents that there is a need for day care for school age children before and after regular school hours. Nineteen percent (19%) of the school age children identified by the respondents were found to be home alone without adult supervision, and another seven percent (7%) were cared for by an older child in the family, rather than by an adult. While seventy-seven percent (77%) of the respondents were satisfied with the present arrangements for their school age children, nineteen percent (19%) were dissatisfied and four percent (4%) were unsure. Furthermore, eighty-seven percent (87%) of the respondents perceived a need for school age day care in their community.

In addition, the respondents perceive that a variety of alternatives, including public schools, can and should be utilized to meet the need for before and after school care in their community. This finding suggests that an efficient utilization of all community resources, both public and private, may be the best approach to providing day care to school age children.

### C. Public Hearings

In an effort to facilitate additional public input, public hearings were held in the cities of Hampton, Roanoke, and Annandale, Virginia. The format for and design of these public hearings is discussed in further detail in the methodology section of this report.

Prior to the formal solicitation of public comments, the Division for Children received over 200 letters in three languages from parents in Arlington County. These letters supported the extended day program operated by the public school in their community.

Oral and written comments made at the hearings and those received in writing by September 9, 1980, have been summarized and organized according to the type of individual making comment. These types include parents/private citizens, school board members/school administrators, legislators, local government representatives, private day care centers, and associations/committees.

#### Parents/Private Citizens

Several parents from areas where public schools provide no extended day care indicated that they would like to see such a program started in their local schools. As working mothers with school age children, they emphasized that they are not satisfied with their current day care arrangements, and would utilize such a program.

One parent in an area where there is no existing program indicated that parents should take responsibility for their children and not depend on the schools.

A number of parents with children being cared for in an already existing public school program offered strong support for the program. Major reasons given for such support include the variety of activities provided by the program, the fact that transportation to another facility is not necessary, the reasonable cost of the program, and the fact that the public school program meets a critical need that no other agency/organization would meet. A large number of parents with children in an existing program signed a statement supporting the Division for Children's tentative recommendations.

Another individual also supported the tentative recommendations. This individual emphasized that local school divisions and service providers have an outstanding opportunity to work together to deliver a variety of useful services.

One speaker, however, emphasized that it is not the taxpayers' obligation to pay for a baby sitting service.

One individual commented that the hearing she attended was not a public hearing, since the vast majority of individuals speaking were parents and school personnel associated with an existing extended day care program.

### School Board Members/School Administrators

Several speakers emphasized that local funds are already inadequate to achieve the academic goals of the public school system, and that providing another program such as day care would impose another financial hardship upon an already overburdened public school system. It was also emphasized that state and federal programs, such as special education, are often imposed upon localities without sufficient funding.

Several individuals also supported the tentative recommendations of the Division and emphasized the soundness of the local option approach to meeting day care needs. These respondents noted that each locality or school division should have the authority to determine the need for a program such as public school day care and implement a program to meet that need.

Several individuals associated with the day to day operation of an existing program noted the importance of the program being administered by the school system. Their comments stressed the points that through this approach communication between the school and the extended day care program is facilitated, and that the needs of the child can be better met. In addition, it was noted that the school system can provide needed support functions.

One individual indicated that the tentative recommendations of the Division should be changed to authorize school divisions to provide not only before and after school care, but also care on school holidays, snow days, and vacations.

### Legislators

These comments, in essence, supported the tentative recommendations of the Division for Children. Several legislators emphasized that the existing programs are an example of individual communities responding to an expressed and documented need. The local option approach was cited as a reasonable one, and it was stressed that the provision of programs should not be mandated upon a local school system.

One legislator indicated that the establishment of extended day programs does not mean that public school systems should go into the day care business generally.

### Local Government Representatives

The one comment made from this perspective, which came from a locality that has an existing program, indicated that

most private centers, private schools, and family day care homes do not offer care for school age children. Statistics were cited as supporting evidence. This individual represented the local Department of Human Resources and indicated support for the tentative recommendations of the Division for Children.

#### Associations/Committees

One multi-jurisdictional association indicated that the provision of before and after school care should be divided among the public and private sectors - public schools and public and private day care institutions, recreational programs, community organizations, and family day care homes. It also commented that any guidelines developed for such programs should incorporate the provisions for school age child care contained in the Minimum Standards for Licensed Child Care Centers, and that all institutions providing such care should be licensed. This association also indicated that consideration should be given to the provision of care on school holidays and vacations, that a variety of age appropriate activities be provided, and that parents be involved in programs.

Another organization cited a survey of major service providers in its multi-jurisdictional area and noted that of the organizations responding, 41 indicated a need for preschool and after-school day care; 31 of the responding agencies said the service was badly needed. This organization commented that it supports the idea of on-premises public school day care, but that the feasibility of an already overburdened school system funding and administering such a program is an open question.

Another association raised several questions about the feasibility of public schools operating day care programs. One comment questioned the legality of a school system operating an extended day care program in a select number of schools in its division and not offering it to all elementary schools. Another comment questioned who would take care of the children in a before and after school program on teacher workdays, snow days, and during school holidays and summer vacations. A third comment concerned cost, i.e., how could the costs of operation for a multi-million dollar school facility be pro-rated to a select group of people for a select period of time. In summary, this association indicated that the private sector, both proprietary, and non-profit, can operate programs more economically than the

public school system.

Several associations offered support and endorsement for the tentative recommendations of the Division for Children. Comments from these associations also emphasized the importance of the local option concept - that local school divisions should have the authority to respond to local needs as they see fit.

Another organization suggested that the term "local funds" be clearly defined, and that a local school division should not be restricted from formulating its own guidelines and program design.

Another association suggested that day care programs in the public schools could provide for expanding use of public school facilities.

#### Private Centers

One non-profit center indicated that the cooperation of the public and private sectors should be a priority, yet expressed a preference for putting the operation of extended day care programs in the hands of professional day care providers versus the public schools.

Several private day care operators emphasized the potential damaging impact on their businesses of public school day care programs. One private operator referred to the document, Government Competition: A Threat to Small Business. Report of the SBA Advocacy Task Group on Government Competition with Small Business, and stressed that recommendations in the document state that the government should rely to the maximum extent possible on the private sector, particularly qualified small businesses, in acquiring goods and services.

#### IV. Program Models

##### A. Extended Day Care Programs in Virginia Operated by the Public Schools.

Based on research conducted by staff at the Division for Children, four day care programs for school age children operated by the public school system have been identified. These are briefly summarized as follows:



### Arlington County Public Schools

The extended day program in Arlington County was begun as the result of a 1969 study by the Arlington County Health and Welfare Council entitled "The Choice is Ours - A Report on the Latch Key Child," which identified the need for school age child care in the County. A community wide Citizens Committee composed of over 65 representatives of Arlington civic groups and organizations was established, followed by a pilot study in three elementary schools. Citizen support for the program continues to be strong. An advisory committee works directly with the staff on planning and other activities, and there is a parent organization composed of representatives from each school.

As of the 1979-80 school year, the extended day program was operating in 22 elementary schools and serving 1191 students. A before school program operates from 7:00 - 8:40 a.m., an after kindergarten program operates from 11:45 a.m. to 3:10 p.m., and an after school program operates from 3:10 to 6:00 p.m. The program operates on school days and is closed for winter, spring, and summer vacations. To be eligible for the extended day program, a child's parents must be employed outside the home, be incapacitated, or be absent from the home due to other circumstances. The child must also be enrolled in one of the elementary schools having an extended day program, or in a private school in the same area. Fees for the program are on a sliding scale based on a family's ability to pay. Parents pay for approximately two-thirds of the cost of the program, and the remainder is paid for out of the County's Community Activities Fund.

### Falls Church City Public Schools

The extended day care program in the Falls Church City schools was begun as the result of a 1975 survey by a City Council created Commission on Child Care Needs. The survey determined that there was considerable need for day care for elementary school children before and after regular school hours. After referring these findings to city officials, City Council agreed to pay start up funds and the school system agreed to administer the program through a newly created Office of Community Education.

When the extended day care program began in 1975, it had one center, 27 students, and three counselors. By the 1979-80 school year, the program had expanded to three centers, 105 students, and 10 staff members.

The extended day care program in Falls Church operates from 7:00 a.m. until the beginning of school (approximately 8:45 a.m.), and from dismissal (approximately 2 or 3 p.m.) until 6:30 p.m. The program, unlike that of Arlington County, operates on holidays, vacation periods (including summer vacation), and on other days when the schools close, such as snow days and teacher work days. All Falls Church City parents who have special needs for before and after school care, such as employment, education, or handicapping conditions, are eligible. Those students from Falls Church who attend private school are also eligible, but must provide transportation.

The Falls Church program is self-supporting through parent fees, which provide for a sliding scale for low income parents. The school system provides classroom space, use of facilities such as libraries and gyms, transportation between schools, insurance coverage for counselors, purchasing and payroll services, and assistance and liaison from the Office of Community Education. Parents perform an integral role in governing the program through their involvement with the Extended Day Care Advisory Board.

#### Charlottesville City Public Schools

Jackson Via Elementary School in Charlottesville operates an after school program from 3:00 p.m. to 5:30 p.m. each school day. A registration of 60 students age 5-9 is expected for the 1980-81 school year. The extended day care program is staffed by 1 full time teacher and 4 aides, the salaries of which are paid for out of parent fees of 60 cents per hour. A variety of supervised activities are planned for the children through the utilization of audio-visual aids. The program is coordinated by the Community Education Director.

#### Bath County Public Schools

The Mertz Child Care Center, located in the vocational education wing of the Bath County High School near Hot Springs, provides a two year child care training course for high school students and also operates a day care program from 8:00 a.m. to 5:00 p.m. each school day. Parents with children in the center pay \$25.00 per week for all day care, and \$8.00 per week for before and after school care. There are approximately seven (7) children enrolled in the before and after school program. The Mertz Child Care Center is the only day care center in the entire County.

## B. Alternative Models

Research conducted by the Division for Children staff has shown that an extended day care program operated by the public school system in a school facility is only one of several community alternatives which can serve to meet the need for before and after school care. Several of these alternatives are listed below.

### Administration by a Local Government

In Fairfax County, Virginia, an extended day care program serves approximately 900 children in 25 elementary schools located throughout the County. The program is administered by the County Board of Supervisors through the Fairfax Office for Children.

In Baltimore, Maryland, the local Department of Social Services funds and operates seven centers for school age children throughout the city. Funding is provided by Title XX and matching local dollars. Facilities are rented from a variety of sources, including renovated schools, spaces in community multiservice complexes, and church parish halls.

### Home Based Care

In Reston, Virginia, the Reston Children's Center Family Satellite Program provides day care to school age children. The Satellite Program utilizes community family day care homes to provide care on a regular basis with support, services, and training from the day care center.

The Orlando County Public Schools in Orlando, Florida, have developed what is called the Home Base Child Care Program. In this program, children are cared for in the hours before and after school by neighbors who are employed by the public school system.

### In School Care By An Independent Agency

The Brookline Early Education Project (BEEP) in Brookline, Massachusetts, provides after school care to 358 children in eight (8) elementary schools. Each program is designed and administered by a separate parent group as a nonprofit corporation. However, BEEP actually represents a unique partnership with the school system, since all programs operate as part of the Brookline Public Schools in accordance with guidelines adopted by the School Committee

In Denver, Colorado, the Mile High Child Care Association, a nonprofit agency that operates 11 other day care centers, rents empty classroom space at \$2 per square foot in five elementary schools. This has been possible due to the fact that the Denver Public Schools have 300 empty classrooms in 84 different elementary school buildings.

#### Care By a Day Care Center in Its Own Facility

Many day care centers that serve preschool children have expanded their programs to serve school age children. Normally, centers operate the extended day program in the same facility as the preschool program, either in a separate space or in a portion of the preschool space that has become unoccupied due to a drop in enrollment in the late afternoon.

#### Care By a Recreation Agency in Its Own Facility

Some recreation departments and recreation agencies such as the Boys Clubs, Girls Clubs, and YMCA's, have expanded their programs to provide care to school age children. In addition, recreation agencies without formal extended day care programs often work with schools and other agencies to provide activities for school age children.

These are only a few of the alternatives that exist or might be designed to meet the increasing need for before and after school care to school age children. Each community should choose that alternative that best meets its own unique and individual needs.

V. Recommendations

Following the mandate of House Bill 1726, the Division for Children has conducted research regarding The need for and appropriateness of public schools providing day care programs to school age children before and after regular school hours. The methodology for this study and the information gathered have been discussed in other sections of this report. Based on our own research, the advice of the Task Force, and public comment, we make the following recommendations:

1. Local school divisions should be given the option, when the need has been recognized by the local governing body, to provide programs for pupils before and after regular school hours. Local funds and/or parent fees should be used as primary sources for financing these programs.

Rationale

The day care needs of school age children and their parents as well as the resources available to meet those needs, will inevitably vary from community to community. Allowing a school division to operate a day care program for school age children before and after regular school hours will provide communities with another alternative for meeting their own unique and individual needs. We do not recommend that school divisions be mandated to offer extended day care programs, but rather that localities be given that option if needed.

Recognition of the need for such a program by the local governing body would necessitate statistics documenting the number of employed parents with school age children in single parent families and the number of two parent families with both parents working outside the home. Other important documentation would be data on the availability of spaces for school age children in private day care arrangements.

Allowing a school division the option to administer an extended day care program, in essence, encompasses a local option approach to meeting community needs. Therefore, the responsibility for financing such a program would be with the community. An emphasis on parent fees would enable a community to finance the program through the contributions of the users of the program.

2. Guidelines should be formulated as a cooperative effort, utilizing parents, community leaders, public and private providers, and experts in the areas of child development and education, to assist local school divisions that elect to implement programs for pupils before and after regular school hours. The State Department of Education and/or other appropriate state agencies should also assist in the development of such guidelines.

Rationale

The development of non-mandatory guidelines for the establishment and operation of extended day care programs by public schools would provide valuable technical assistance to school divisions in the development of quality programs. These guidelines should cover such areas as program funding, staff qualifications, health and safety standards, program curriculum and activities, parent involvement, and program evaluation. Parents, community leaders, and individuals with expertise in education, recreation, child care, and child development, would be important and appropriate resources for assisting local school divisions in program development and implementation. The State Department of Education, as well as other appropriate state agencies, could provide valuable resources for the formulation of guidelines.

3. Local school divisions and all other service providers, both public and private, should cooperate to the fullest in meeting the need for before and after school care.

Rationale

As discussed in the rationale for Recommendation 1 and in Section IV of this report, public schools constitute only one of many possible alternatives for meeting the need for before and after school care for school age children. The need for such care can best be met through the mutual cooperation of both the public and private sectors. In this way both public and private resources can be maximized and utilized to provide day care to school age children.

Notes

- <sup>1</sup>James A. Levine and Michelle Seltzer, "Why Are These Children Staying After School? And Why Are They So Happy About It?" Redbook, September, 1980, p. 23, pp. 158-66.
- <sup>2</sup>James A. Levine, Day Care and the Public Schools: Profiles of Five Communities, Newton, Massachusetts: Education Development Center, Inc., 1978, p. 1.
- <sup>3</sup>Report of the Attorney General, December 11, 1978.
- <sup>4</sup>Ibid.
- <sup>5</sup>U.S. Department of Labor, Women in the Labor Force: Some New Data Series, Report 575 (Washington, D.C.: Government Printing Office, 1979), p. 1.
- <sup>6</sup>U.S. Department of Labor, Marital and Family Characteristics of Workers, 1970 to 1978, Special Labor Force Report 219 (Washington, D.C.: Government Printing Office, 1979), p. 50.
- <sup>7</sup>Ibid., p. 49.
- <sup>8</sup>Ibid.
- <sup>9</sup>Ibid., p. 51.
- <sup>10</sup>Ibid., p. 49.
- <sup>11</sup>Ibid., p. 51.
- <sup>12</sup>U.S. Department of Labor, Marital and Family Status of Workers by State and Area, Report 545 (Washington, D.C.: Government Printing Office, 1978), p. 18.
- <sup>13</sup>U.S. Department of Labor, Women in the Labor Force: Some New Data Series, p. 2.
- <sup>14</sup>Ibid.
- <sup>15</sup>U.S. Department of Health, Education and Welfare, The Appropriateness of the Federal Interagency Day Care Requirements (Washington, D.C.: Government Printing Office, 1978) p. xix.
- <sup>16</sup>Levine and Seltzer, p. 158.
- <sup>17</sup>Ibid.

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- Levine, James A., Day Care and the Public Schools: Profiles of Five Communities. Newton, Massachusetts: Education Development Center, Inc., 1978.
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Appendix A

OPINION OF THE ATTORNEY GENERAL REGARDING THE APPROPRIATENESS OF  
THE OPERATION OF EXTENDED DAY CARE PROGRAMS BY PUBLIC SCHOOLS.

SCHOOLS. DAY CARE CENTERS. LOCAL SCHOOL BOARDS DO NOT HAVE LEGAL  
AUTHORITY TO OPERATE DAY CARE CENTERS UPON SCHOOL PROPERTY WITH  
SCHOOL BOARD EMPLOYED PERSONNEL.

December 11, 1978

The Honorable Vincent F. Callahan, Jr.  
Member, House of Delegates

You advise that counsel for the Fairfax County School Board has advised the board that it may not operate a day care center, and you ask my opinion whether that advice is correct. You state that the school board currently operates three day care centers in certain elementary schools. These centers are operated from approximately 7:00 a.m. until 6:15 p.m., with children through the sixth grade eligible to attend. The centers are equipped with educational games and books and are staffed by day care center teachers who are not required to be certified, although they do fulfill some educational functions incidental to the operation of the center.

The powers of school boards are limited to those expressly granted, necessarily implied, or essential and indispensable to the functions of such board. Commonwealth v. Arlington County Bd., 217 Va. 558, 232 S.E. 2d, 30 (1977). No statute expressly authorizes county school boards to provide day care centers. For a power to be necessarily or fairly implied, it must be consistent with, and directly related to, a stated power or function of the board.

The nature of day care activities is essentially custodial in nature by providing care and supervision for children in the place of their parents or guardians. Day care centers are not essentially related to education, nor are its functions primarily directed toward education. Therefore, there is no necessarily implied relationship between the authority granted by the Virginia Constitution to the local school board to supervise the schools in the division and the operation of day care centers.

Therefore, it is my opinion that the local school board is not presently legally authorized to operate the day care centers which you describe.

Section 22-164.1 of the Code of Virginia (1950), as amended, authorizes the board to permit other uses of school property. This would not give the board the authority to engage in an activity not otherwise authorized by law. However, the board could allow a day

care center operated by another entity to use school property. This would suggest a possibility that the school board could develop a relationship with some appropriate party which would permit the operation of the center by that party on school property.

Appendix B

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