



ACCREDITATION COMMITTEE OF THE FLORIDA CATHOLIC CONFERENCE

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MEMORANDUM

TO: Catholic School Superintendents

FROM: James Herzog, FCC Associate for Accreditation

RE: Clarifying religious exemption and licensure requirements for child care/
early childhood programs

DATE Oct. 8, 2007

The Florida Department of Children and Families has informed us that the Florida Catholic Conference is listed as one of several associations that accredit early childhood programs seeking exemption from state statutes 402.301 to 402.319. This may explain why Catholic early childhood programs that either are an integral part of schools or are stand-alone programs have evidently sought the religious exemption (please see the attached list recently provided by the DCF).

Early childhood programs integral to a Catholic elementary school are not subject to state licensure and have no need for and should not apply for the religious exemption. According to Section 402.3025, programs that are an integral part of nonpublic schools and the students in the preschool programs are older than three, but less than five years of age shall not be deemed to be child care and thereby not subjected to licensure.

Confusion is created by section 402.316 F.S. which provides that state child care/ licensing requirements, “except for the requirements regarding screening of child care personnel, shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. However, such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and shall meet the screening requirements pursuant to ss. 402.305 and 402.3055.”

Notwithstanding this exemption in Florida law, the Bishops’ province policy on Catholic child care programs provides that “all parish day care centers and pre-school or early childhood care program (not integral to a Catholic school) must be licensed by the Department of Children & Family Services or other appropriate local licensing authority. (Please see <http://www.flacathconf.org/provincepolicies/logon/Policies/ParishChildCare9-97.pdf> .)

In keeping with the province policy, Catholic stand-alone early childhood and parish child care programs should not seek the religious exemption and instead should be licensed by the DCF or meet pertinent county guidelines related to health, safety and sanitation.

The FCC is undertaking steps with the DCF for our organization to be removed from the state list pertaining to accrediting associations that accredit religious-exempt programs.

It is my understanding that you will receive this before the state list is amended. As noted previously, I have enclosed an attachment of schools and/or programs that may have sought the exemption, as forwarded by the DCF. If any of these are within your diocese, you may want to contact the schools/programs directly to head off any confusion. In addition, I encourage you to relay the general content of this email (but not the DCF list) to each Diocesan Pre-K to 8th Grade School.

If you have any questions or concerns, please don't hesitate to contact me.

Cc: Mike McCarron; and,
Larry Keough.