

***Child Development Facilities Licensing Emergency and Proposed Rulemaking
Effective Dec. 20, 2023
Advance Copy – Prior to Publication in District of Columbia Register***

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Sections 3(b)(6A), 3(b)(9), 3(b)(9A), 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(6A), (b)(9), (b)(9A), and (b)(11)) (2012 Repl. & 2016 Supp.); the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code §§ 4-401 *et seq.* (2012 Repl. & 2016 Supp.)) (“Day Care Act”); Mayor’s Order 2009-3, dated January 15, 2009; the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code §§ 7-2031 *et seq.* (2012 Repl.)) (“Facilities Act”); Mayor’s Order 2009-130, dated July 16, 2009; Sections 503 and 504 of the Early Intervention Program Establishment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 7-863.03 and 7-863.04 (2012 Repl.)); Mayor’s Order 2009-167, dated September 28, 2009; Titles I and II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 (“CYSHA”), effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 1-620.31 *et seq.* and §§ 4-1501.01 *et seq.* (2012 Repl. & 2016 Supp.)); and the Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code §§ 38-281 *et seq.* (2016 Supp.)); and pursuant to the Social Security Act, approved February 22, 2012 (Pub. L. 112-96; 42 U.S.C. § 618(c)); the Child Care and Development Block Grant Act of 2014 (“CCDBG Act”), approved November 19, 2014 (Pub. L. 113-186; 42 U.S.C. §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 C.F.R. Parts 98 and 99, hereby gives notice of the adoption, in an emergency basis, of the following amendments to Chapter 1 (Child Development Facilities: Licensing) to Subtitle A (Office of the State Superintendent of Education) of Title 5 (Education) of the District of Columbia Municipal Regulations (DCMR); Chapter 3 of Child Development Facilities of Title 29 (Public Welfare) of the DCMR; and Chapter 41 (Office of the State Superintendent of Education) of Title 16 (Consumers, Commercial Practices and Civil Infractions) of the DCMR. The State Superintendent also hereby gives notice of her intent to take action to adopt the following amendments as final rules in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

I. Purpose

The overarching purpose of this emergency and proposed rulemaking is to ensure that education and care provided in licensed Child Development Facilities in the District of Columbia is safe and supports children’s healthy development by establishing the minimum requirements necessary to protect the health, safety, and welfare of children in care.

The rules amend the minimum education requirements for center directors, teachers, assistant teachers, home caregivers, expanded home caregivers and associate caregivers working in Child Development Facilities and group leaders and assistant group leaders working in licensed out-of-school-time programs.

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II. Summary of Emergency and Proposed Rulemaking

This rulemaking makes amendments to Chapter 1 (Child Development Facilities: Licensing) of Title 5-A DCMR, which sets forth the framework for obtaining and maintaining a license to operate a Child Development Facility (Facility) in the District, and the requirements and standards that apply to all licensed Child Development Facilities. Below is a summary of the key changes proposed in this NEPRM by topic:

Out of School Time Care

The qualification requirements for a group leader for OST care and assistant group leader at Subsection 175.3 remove the requirement for six (6) months of supervised occupational experience recognizing that this requirement serves as a barrier to entry to employment and assistant group leaders are serving under the supervision of more experienced group leaders.

Early Childhood Educators: Minimum Education Requirements

In 2016, OSSE updated its Child Development Facility licensing regulations and increased credential and degree requirements for the early care and education workforce to ensure that staff have the necessary qualifications and credentials to educate and care for young children. OSSE has provided significant resources to help child care educators meet the credential requirements through free Child Development Associate (CDA) credential programs, postsecondary scholarships and financial incentives and supports for credential/degree completion. OSSE previously extended the deadline to meet new credential requirements twice to provide the workforce sufficient time to complete credentials and to account for unanticipated impacts of the COVID-19 pandemic. In December 2022, the bachelor's degree requirement for center directors went into effect, and OSSE began to enforce this requirement as part of regular licensing inspections. As of October 2023, eight-seven percent (87%) of directors met the education requirement, and the remaining thirteen percent (13%) of directors received waivers from OSSE based on ten (10) years of continuous service or enrollment in a degree program.

Under current regulations, education requirements for teachers, assistant teachers, home caregivers, expanded home caregivers and associate caregivers went into effect December 2, 2023. As of publication of this notice, more than one-third of teachers and assistant teachers, more than half of expanded home caregivers and associate caregivers and more than three-quarters of home caregivers already meet the minimum requirements as required. Many of the District's early childhood educators have taken advantage of the supports provided by OSSE and worked hard to complete credentials and degrees. OSSE has also, since 2016, increased child care subsidy payment rates and implemented the Early Childhood Educator Pay Equity Fund in recognition that higher expectations for child care staff need to be accompanied by higher pay.

The minimum education requirements established in 2016 were intended to improve the quality of early learning for the District's youngest children, and this remains an important goal. Through the amendments included in this notice, OSSE is expanding the ways in which educators can meet minimum education requirements while maintaining a commitment to high standards for early

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childhood educators. The changes ensure that early childhood educators who are currently enrolled in credential or degree programs can continue to progress in their educational studies while also working toward meeting the education requirements. OSSE believes this is an important addition to ensure avenues for newly hired staff to work in Child Development Facilities while working towards meeting the education requirements, which OSSE anticipates will support a continued pipeline of new educators in the field. The rule also recognizes the diversity of the early education workforce by including changes to ensure that individuals who earned their degree outside of the United States can meet the education requirements for their role by providing OSSE with a foreign credential equivalency report that meets or exceeds the requirements included in this NEPRM.

Waivers. Current regulations allow Child Development Facility leaders to apply for a 10 Years of Continuous Service waiver of the minimum education requirements for a center director, teacher or expanded home caregiver who has continuously served in the same role (since 2006 or earlier) without a significant gap in service. OSSE values experience in the field and is retaining and expanding this provision. The years of service provisions in Sections 164, 165, 166, 168, 170 and 171, will allow individuals to apply for certifications that verify continuous service and waive the minimum education requirements. Unlike current 10-Year waivers, which are received by a Facility, these certifications will apply to an individual and will remain valid if an educator leaves their place of employment and works in a different Facility. These certifications also do not have to be reverified once issued. The current regulations require Facilities to reapply for waivers at the expiration of their license (at least every three years). OSSE is also adding an exemption for individuals who may have left the labor force for a period of time to attend to personal or family caregiving responsibilities, such that those individuals may also qualify for a continuous service certification.

Center Directors (Section 164). As mentioned, the minimum education requirement established for center directors went into effect December 2, 2022. The rule codifies policies already in effect for center directors in child development centers licensed by OSSE to have a bachelor's degree in early childhood education or a bachelor's degree in any subject area with at least fifteen (15) credit hours in early childhood education. The rule, at Subsection 164.1, expands the list of majors recognized as equivalent to an early childhood education degree to include majors in early childhood education, early childhood development, elementary education, early childhood special education, child and family studies, or a closely related field; this change aligns the center director majors with those listed for acceptable majors for teachers and expanded home caregivers and is more expansive than the list included in the previous rule. The rule also reduces the number of credit hours required for a center director who has completed a bachelor's degree in an area other than early childhood education or a related field from fifteen (15) credit hours to twelve (12) hours.

In Subsection 164.10, OSSE changes the requirements for the Director's authorized representative to exclude compliance with the bachelor's degree requirement. An individual who meets the education requirements for a teacher may serve in the role of authorized representative, provided the teacher has been employed for a minimum of five (5) years in the role of teacher.

Teachers (Section 165). Changes at Subsection 165.1 expand the minimum education requirements to include the completion of sixty (60) credit hours of college-level coursework in addition to an

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associate or more advanced degree with a major in early childhood education or a related field. This change is intended to ensure that individuals who may have completed a comparable amount of college-level coursework that did not result in the acquisition of a degree can meet the education requirement for the role. Additionally, this change will allow early childhood educators who hold international three-year teaching certificates from outside of the United States to meet the requirements. OSSE is reducing the number of credit hours required for a teacher who has successfully completed sixty (60) hours of college-level coursework or an associate or more advanced degree in an area other than early childhood education or a related field from twenty-four (24) credit hours to twelve (12) hours. OSSE is making this change in recognition that twenty-four (24) credit hours exceeds the required content-specific credit hours required for many certifications and minors in post-secondary education, as well as the number of credit-hours typically associated with the completion of a CDA and the fifteen (15) credit hours currently required of center directors. OSSE is aligning the standard for all staff roles at twelve (12) hours.

Finally, OSSE is permitting a teacher who is enrolled in a degree program to remain in their role as a teacher, provided that they earn an associate degree or higher within four (4) years of their initial date of hire as a teacher in a Child Development Facility. A new Subsection 165.2 gives OSSE authority to extend that timeline to six (6) years from the initial date of hire provided that an individual has maintained continuous enrollment and/or has experienced a hardship that interfered with their studies. Finally, OSSE is adding at Subsection 165.1(g) the inclusion of a competency-based credential demonstrating acquisition of knowledge and skills comparable to or greater than those associated with an associate degree, should one become available from a nationally recognized credentialing program, as another means of meeting the teacher education requirement. This change gives OSSE flexibility in the future as the field of early childhood educator credentialing continues to evolve.

Assistant teachers (Section 166). Changes at Subsection 166.1 require assistant teachers to earn a CDA credential within two years of their initial date of hire as an assistant teacher in a Child Development Facility. OSSE believes this flexibility is necessary to ensure that a new pipeline of early childhood educators can continue to enter the field. Additionally, OSSE proposes to expand the CDA requirement to include “a state-awarded certificate that meets or exceeds the requirements for a CDA credential as defined by OSSE.” This additional flexibility will allow educators with similar credentials, such as the Maryland Child Care Credential program, to meet the education requirements. OSSE will clarify in guidance any state-awarded certificates that will be accepted to meet this requirement.

Home caregivers (Section 168) Changes at Subsection 168.1 acknowledge that while a CDA credential, or its equivalent, are the minimum requirements for a home caregiver, such individuals may also have higher education and degrees that would also provide the educational background they need to be in their roles, which could include an associate or more advanced degree in early childhood education or a competency-based credential demonstrating acquisition of knowledge and skills comparable to or greater than those associated with an associate degree should one become available.

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Expanded home caregivers (Section 170). Changes in Section 170 clarify that an individual can meet the education requirement for an expanded home caregiver through the completion of sixty (60) credit hours of college-level coursework or an associate degree or more advanced degree obtained in the United States or in a foreign country or a competency-based credential demonstrating acquisition of knowledge and skills comparable to or greater than those associated with an associate degree should one become available. The changes also allow an expanded home caregiver with a current CDA, or a comparable state-awarded certificate approved by OSSE, to work as an expanded home caregiver provided that the individual enrolls in an associate or more advanced degree program and earns a degree within four years of opening the facility.

Associate home caregivers (Section 171). Changes at Subsection 171.1 clarify that while a CDA credential, or its equivalent, is the minimum requirement for an associate home caregiver, such individuals may also have higher education and degrees that would also provide the educational background they need to be in their roles, which could include an associate or more advanced degree or a competency-based credential should one become available. Associate home caregivers without advanced degrees must obtain a CDA credential, or its equivalent, within two (2) years of their date of hire.

This emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 2, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary to maintain and grow the supply of licensed child care slots for working families in the District. Without this action, there is a risk that some licensed child care providers will no longer be able to comply with regulations and will cease to operate, reducing the availability of licensed care for District families.

This emergency rulemaking was adopted by the State Superintendent on December 20, 2023 and became effective on that date. The emergency rulemaking will remain in effect for one hundred twenty (120) days after the date of adoption, expiring on April 19, 2024, unless earlier amended or repealed by the State Superintendent, or superseded by publication of a final rulemaking in the *District of Columbia Register*, whichever occurs first.

The State Superintendent of Education also gives notice of her intent to adopt these amendments as a final rulemaking in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

Chapter 1, CHILD DEVELOPMENT FACILITIES: LICENSING, of Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, of Title 5 DCMR, EDUCATION, is amended as follows:

Section 164, CHILD DEVELOPMENT CENTER: DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 164.1 is amended to read as follows:

164.1 A Director of a Child Development Center shall:

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- (a) Have earned a bachelor's or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, elementary education, early childhood special education, child and family studies, or a closely related field and at least one (1) year supervised experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction;
- (b) Have earned a bachelor's or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in a field other than early childhood education, early childhood development, elementary education, early childhood special education, child and family studies, or a closely related field, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood development, early childhood education, elementary education, early childhood special education, child and family studies, or a closely related field and at least one (1) year supervised experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction;
- (c) Have earned the equivalent of a bachelor's or more advanced degree from an institution outside of the United States and submitted a foreign credential equivalency report as required by OSSE, with:
 - (1) A major in early childhood education, early childhood development, elementary education, early childhood special education, child and family studies, or a closely related field; or
 - (2) A major in a field other than early childhood education, early childhood development, elementary education, early childhood special education, child and family studies, or a closely related field, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood education, early childhood development, elementary education, early childhood special education, child and family studies, or a closely related field; and
 - (3) At least one (1) year supervised experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction; or
- (d) For an AME/AMI accredited Montessori School Director, meet the requirements of Subsection 164.1 (a), (b), or (c) and have earned a

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Montessori certificate issued by a program accredited by the Montessori Accreditation Commission for Teacher Education, National Center for Montessori Education, American Montessori Society, or the Association Montessori International, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction.

Subsection 164.3 is amended to read as follows:

164.3 Any person who was employed as a qualified Center Director in a licensed Child Development Center in the District of Columbia on December 2, 2016, and who continuously served as such since December 2, 2006 or earlier, may submit an application to OSSE for a continuous service certification that waives the qualification requirements in Subsection 164.1. OSSE may deny a certification request when a Facility for which the Center Director was responsible received one or more summary suspensions or failed to abate or resolve the deficiencies, or for any other reason consistent with ensuring the health, safety and welfare of children and staff.

Subsection 164.10 is amended to read as follows:

164.10 A Center Director shall be physically present at the Facility at all times during the Center's peak hours of operation when the majority of children are present, and maintain on the premises a record of days and actual hours of work at the Facility, except that a Center Director may be intermittently absent from the Facility if he or she has designated an authorized representative of the Child Development Facility, who shall be physically present at the Facility when the Center Director is absent and shall assume full responsibility for the Facility's management and operations in such absence of the Center Director. The authorized representative shall either meet all the requirements of Section 164, excluding the requirements at 164.1, or be a teacher provided the teacher has been employed for a minimum of five (5) years in their role.

Section 165, CHILD DEVELOPMENT CENTER: TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 165.1 is amended to read as follows:

165.1 A Teacher in a Child Development Center shall be at least eighteen (18) years of age and shall:

- (a) Have earned an associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early

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childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field;

- (b) Have earned an associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in a field other than early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field, from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;
- (c) Have successfully completed sixty (60) credit hours, or its recognized equivalent, with at least twelve (12) of those credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field, at an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;
- (d) Have successfully completed sixty (60) credit hours, or its recognized equivalent, with at least twelve (12) of those credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, or child and family studies, or a closely related field, from an institution outside of the United States, and submitted a foreign credential equivalency report as required by OSSE, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction.
- (e) Have earned the equivalent of an associate or more advanced degree from an institution outside of the United States, and submitted a foreign credential equivalency report as required by OSSE, with:
 - (1) A major in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field; or

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- (2) A major in a field other than early childhood education, early childhood development, early childhood special education, or child and family studies, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood development, early childhood education, early childhood special education, child and family studies, or a closely related field, and at least one (1) year supervised experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;
- (f) Have earned a current Child Development Associate (CDA) credential, or a state-awarded certificate that meets or exceeds the requirements for a CDA credential as determined by OSSE, which specifies that the individual is qualified for the assigned age classification; provided that the individual is enrolled in an associate or more advanced degree program and earns an associate or more advanced degree in compliance with (a) or (b) within four (4) years of their initial date of hire as a Teacher in a Child Development Center;
- (g) For a Montessori school teacher, have earned an associate degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, and a Montessori certificate issued by the National Center for Montessori Education, American Montessori Society, or the Association Montessori International, or a program accredited by the Montessori Accreditation Commission for Teacher Education; or
- (h) Have earned a competency-based credential, representing a level of knowledge and skills equivalent to or greater than an associate degree and awarded by a nationally recognized credential program, should one become available and approved by OSSE.

Subsection 165.2 through 165.5 are redesignated as Subsections 165.3 through 165.6.

A new Subsection 165.2 is added to read as follows:

165.2 An individual who meets the requirements of 165.1(e) above and has not earned a degree in compliance with 165.1(a) (b) (d) or (f) within four (4) years of their initial date of hire as a Teacher, may have up to six (6) years from their initial date of hire to earn a degree, if the individual has maintained continuous enrollment in an associate or more advanced degree program or experienced a documented hardship, as approved by OSSE, that interfered with maintaining enrollment or completing the course of study within four (4) years.

Redesignated Subsection 165.5 is amended to read as follows:

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165.5 Any person who is employed as a qualified Teacher in a licensed Child Development Center in the District of Columbia on December 20, 2023, and who has continuously served as a Teacher for the past ten (10) years, excluding any absences from the labor force related to caregiving responsibilities, may submit an application to OSSE for a continuous service certification that waives the qualification requirements in Subsection 165.1. OSSE may deny a certification request for any reason consistent with ensuring the health, safety, and welfare of children.

Section 166, CHILD DEVELOPMENT CENTER: ASSISTANT TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 166.1 is amended to read as follows:

- 166.1 An Assistant Teacher in a Child Development Center shall be at least eighteen (18) years of age and shall:
- (a) Have successfully completed sixty (60) credit hours of college-level coursework at, or earned an associate or more advanced degree from, an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation;
 - (b) Have successfully completed sixty (60) credit hours of college-level coursework at, or earned the equivalent of an associate or more advanced degree from, an institution outside of the United States and has submitted a foreign credential equivalency report as required by OSSE;
 - (c) Have earned a competency-based credential, representing a level of knowledge and skills equivalent to or greater than an associate degree and awarded by a nationally recognized credential program, should one become available and approved by OSSE;
 - (d) Have earned a current CDA credential, or a state-awarded certificate that meets or exceeds the requirements for a CDA credential as defined by OSSE, which specifies that the individual is qualified to serve as an Assistant Teacher for the age classification with whom the individual will work;
 - (e) Have earned a high school diploma or its equivalent, provided that the individual earns a CDA credential, or a state-awarded certificate that meets or exceeds the requirements for a CDA credential as defined by OSSE, within two (2) years of their initial date of hire as an Assistant Teacher in a Child Development Center; or

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- (f) For a Montessori school Assistant Teacher, have earned a high school diploma or its equivalent and a minimum of twenty (20) hours of Montessori specific training, completed an orientation program specific to the school, and works under the supervision of a Montessori credentialed lead teacher.

Subsection 166.2 through 166.4 are redesignated as Subsections 166.3 through 166.5.

A new Subsection 166.2 is added to read as follows:

- 166.2 Any person who is employed as a qualified Assistant Teacher in a licensed Child Development Center in the District of Columbia on December 20, 2023, and who has continuously served as an Assistant Teacher for the past ten (10) years, excluding any absences from the labor force due to caregiving responsibilities, may submit an application to OSSE for a continuous service certification that waives the qualification requirements in Subsection 166.1. OSSE may deny a certification request for any reason consistent with ensuring the health, safety, and welfare of children.

A new Subsection 166.6 is added to read as follows:

- 166.6 For the purposes of this section, early childhood development and early childhood education shall include the courses listed in Subsection 164.5.

Section 168, CHILD DEVELOPMENT HOMES: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 168.1 is amended to read as follows:

- 168.1 A Child Development Home Caregiver shall be at least eighteen (18) years of age and shall:
- (a) Have completed or earned the following:
 - (1) An associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, early childhood special education, child and family studies or a closely related field;
 - (2) An associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in a field other than early childhood education, early childhood development, early childhood special education, child and family studies, or a

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closely related field, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education or child and family studies at an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;

- (3) Sixty (60) credit hours, or its recognized equivalent, with at least twelve (12) of those credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;
- (4) Sixty (60) credit hours, or its recognized equivalent, with at least twelve (12) of those credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, or child and family studies, or a closely related field, from an institution outside of the United States, and submitted a foreign credential equivalency report as required by OSSE, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;
- (5) The equivalent of an associate or more advanced degree from an institution outside of the United States and has submitted a foreign credential equivalency report as required by OSSE, with:
 - (A) A major in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field; or
 - (B) A major in a field other than early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood development, early childhood education, early childhood special education, child and family studies,

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or a closely related field and at least one (1) year supervised experience working with children in a licensed District of Columbia Child Development Facility or its equivalent in another jurisdiction;

- (6) A competency-based credential, representing a level of knowledge and skills equivalent to or greater than an associate degree and awarded by a nationally recognized credential program, should one become available and approved by OSSE; or
 - (7) A current CDA credential, or a state-awarded certificate that meets or exceeds the requirements for a CDA credential as defined by OSSE;
- (b) Participate in at least five (4) child development-related training courses, approved by the District of Columbia Government, per year, for a total of at least twelve (12) hours of professional development annually; and
 - (c) Successfully complete all health and safety training requirements set forth in this chapter.

Subsection 168.2 through 168.6 are redesignated as Subsections 168.4 through 168.8.

New Subsections 168.2 and 168.3 are added to read as follows:

- 168.2 For the purposes of this section, early childhood development and early childhood education shall include the courses listed in Subsection 164.5.
- 168.3 A Child Development Home Caregiver employed in a licensed Child Development Home in the District of Columbia on December 20, 2023, and who has continuously served as a Home Caregiver for the past ten (10) years, excluding any absences from the labor force due to caregiving responsibilities, may submit an application to OSSE for a continuous service certification that waives the qualification requirements in Subsection 168.1. OSSE may deny a certification request when a Facility for which the Home Caregiver was responsible received one or more summary suspensions or failed to abate or resolve the deficiencies, or for any other reason consistent with ensuring the health, safety, and welfare of children.

Section 170, EXPANDED CHILD DEVELOPMENT HOMES: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 170.2 is amended to read:

- 170.2 An Expanded Home Caregiver shall be at least eighteen (18) years of age and shall:

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- (a) Have completed or earned at least one of the following:
 - (1) An associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, early childhood special education, child and family studies or a closely related field;
 - (2) An associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in a field other than early childhood education, early childhood development, early childhood special education, child and family studies or a closely related field, with at least twelve (12) credit hours, or its recognized equivalent, from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation in early childhood education, early childhood development, early childhood special education, child and family studies or a closely related field;
 - (3) Sixty (60) credit hours, or its recognized equivalent, with at least twelve (12) of those credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field, at an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation;
 - (4) Sixty (60) credit hours, or its recognized equivalent, with at least twelve (12) of those credit hours, or its recognized equivalent, in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field, from an institution outside of the United States, and submitted a foreign credential equivalency report as required by OSSE;
 - (5) The equivalent of an associate or more advanced degree from an institution outside of the United States and submitted a foreign credential equivalency report as required by OSSE, with:
 - (A) A major in early childhood education, early childhood development, early childhood special education, child and family studies, or a closely related field; or

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- (B) A major in a field other than early childhood education, early childhood development, early childhood special education, child and family studies or a closely related field, with at least twelve (12) credit hours, or its recognized equivalent, in early childhood development, early childhood education, early childhood special education, child and family studies or a closely related field;
 - (6) A competency-based credential, representing a level of knowledge and skills equivalent to or greater than an associate degree and awarded by a nationally recognized credential program, should one become available and approved by OSSE; or
 - (7) A current CDA credential; provided that the individual is enrolled in an associate or more advanced degree program and earns an associate or more advanced degree as described in Subsection 170.2(a)(1) within four (4) years of opening the Facility.
- (b) Have successfully completed one of the following:
- (1) At least one (1) year of operating as the Caregiver in a licensed District of Columbia Child Development Home or its equivalent in another jurisdiction; or
 - (2) At least one (1) year of supervised occupational experience in a licensed Child Development Center, or its equivalent in another jurisdiction, as a Center Director or Teacher.
- (c) Participate in at least four (4) child development-related training courses, approved by the District of Columbia Government, per year, for a total of at least fifteen (15) hours of professional development annually; and
- (d) Successfully complete all health and safety training requirements set forth in this chapter.

Subsection 170.3 is redesignated as Subsection 170.7.

New Subsections 170.3, 170.4, 170.5, and 170.6 are added to read as follows:

170.3 An individual who meets the requirements of 170.2(a)(7) above and has not earned a degree or credential in compliance with 170.2(a)(1), (2), (3) (4), (5), or (6) above within four (4) years of opening a Facility, may have up to six (6) years from opening a Facility to earn a degree provided that the individual has maintained continuous enrollment in an associate or more advanced degree program or experienced a documented hardship, as approved by OSSE, that interfered with

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maintaining enrollment or completing the course of study within four (4) years.

- 170.4 For the purpose of Subsection 170.2, a period of supervised occupational work experience shall include an average of no less than twenty (20) hours per week. One (1) year of occupational experience is equal to one thousand (1,000) hours. Multiple qualifying periods may be aggregated in order to achieve the required total.
- 170.5 For the purposes of this section, early childhood development and early childhood education shall include the courses listed in Subsection 164.5.
- 170.6 Any person who is employed as a qualified Expanded Home Caregiver in a licensed Expanded Child Development Home in the District of Columbia on December 20, 2023 and who has continuously served as a Home Caregiver for the past ten (10) years, excluding any absences from the labor force due to caregiving responsibilities, may submit an application to OSSE for a continuous service certification that waives the qualification requirements in Subsection 170.1. OSSE may deny a certification request when a Facility for which the Expanded Home Caregiver was responsible received one or more summary suspensions or failed to abate or resolve the deficiencies, or for any other reason consistent with ensuring the health, safety, and welfare of children.

Section 171, EXPANDED CHILD DEVELOPMENT HOMES: ASSOCIATE CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended to read as follows:

The section heading is amended to read as follows:

171 CHILD DEVELOPMENT HOME AND EXPANDED CHILD DEVELOPMENT HOMES: ASSOCIATE CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES

Subsection 171.1 through 171.3 are amended to read as follows:

- 171.1 An Associate Caregiver in a Home or Expanded Home shall be at least eighteen (18) years of age and shall:
- (a) Have completed or earned the following:
 - (1) Sixty (60) credit hours of college-level coursework or an associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation;
 - (2) Sixty (60) credit hours of college-level coursework or the equivalent of an associate or more advanced degree from an institution outside of the United States and submitted a foreign credential equivalency report as required by OSSE;

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- (3) A competency-based credential, representing a level of knowledge and skills equivalent to or greater than an associate degree and awarded by a nationally recognized credential program, should one become available and approved by OSSE;
 - (4) A current CDA credential, or state-awarded certificate that meets or exceeds the requirements for a CDA credential as defined by OSSE; or
 - (5) A high school diploma or its equivalent, provided that the Associate Caregiver earns a current CDA credential, or a state-awarded certificate that meets or exceeds the requirements for a CDA credential as defined by OSSE, within two (2) years of date of hire.
- (b) Participate in at least four (4) child development-related training courses, approved by the District of Columbia Government per year, for a total of at least fifteen (15) hours of professional development annually; and
 - (c) Successfully complete all health and safety training requirements set forth in this chapter.

171.2 Any person who is employed as an Associate Caregiver in a licensed Child Development Home in the District of Columbia on December 20, 2023, and who has continuously served as an Associate Caregiver for the past ten (10) years, excluding any absences from the labor force due to caregiving responsibilities, may submit an application to OSSE for a continuous service certification that waives the qualification requirements in Subsection 171.1. OSSE may deny a certification request for any reason consistent with ensuring the health, safety, and welfare of children.

171.3 An Associate Caregiver need not reside in the dwelling where the licensed Home or Expanded Home is located.

Section 174, OUT-OF-SCHOOL TIME PROGRAM: GROUP LEADER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 174.2 is amended to read as follows:

- 174.2 A Group Leader, whose sole responsibility is to supervise an out-of-school-time program group, shall be at least eighteen (18) years of age and shall:
- (a) Have successfully completed sixty (60) credit hours of college-level coursework or earned, an associate or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of

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Education or the Council for Higher Education Accreditation, with a major in education or child and youth development;

- (b) Have earned at least forty-eight (48) credit hours from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, of which at least nine (9) credit hours, or its recognized equivalent, shall be in child and youth development, and have at least six (6) months of supervised occupational experience working with school age children under the age of fifteen (15) years at a duly authorized school or camp, a licensed Child Development Center, or the equivalent; or
- (c) Have earned a high school diploma or its equivalent and have at least one (1) year of supervised occupational experience working with school age children under the age of fifteen (15) years at a duly authorized school or camp, a licensed Child Development Center, or the equivalent.

Section 175, OUT-OF-SCHOOL TIME PROGRAM: ASSISTANT GROUP LEADER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 175.2 is amended to read as follows:

175.2 An Assistant Group Leader in a Child Development Center that provides out-of-school-time care only shall be at least eighteen (18) years of age and have earned at least a high school diploma or its equivalent.

Subsection 175.3 is struck.

Subsections 175.4 and 175.5 are redesignated as Subsections 175.3 and 175.4.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register* via email addressed to osseccomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Sara Mead, 1050 First Street, 6th Floor, NE, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.