



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

### Advanced Notice of Proposed Rulemaking - Child Development Facilities Licensing Purpose

The purpose of the “Advanced Notice of Proposed Rulemaking (ANPR) - Child Development Facilities Licensing” is to revise the current regulations (Chapter 3, Title 29 DCMR) and to update the basic regulatory framework for licensing of child development facilities, with modifications to update operational and professional standards, as well as revisions reflecting local and federal requirements<sup>1</sup>, including for children with special needs, and to reflect that the Office of the State Superintendent (OSSE) is now the lead agency regulating child development facilities.

#### Key components of the rulemaking:

- **Additional educational requirements for Center Directors:** Increased educational requirements for center directors are needed to improve the quality of care. Many center directors already meet this requirement (**Section 132 CHILD DEVELOPMENT CENTER DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES**)
- **Increased licensing periods and subsequent fee increase:** Licensing periods are increased to align with other states’ best practices and to make the process less frequent but more meaningful, so OSSE can move towards monitoring the quality of care, health and safety issues instead of the “paper” process. The fees were increased as a result. (**Section 102 GENERAL LICENSING REQUIREMENTS**)
- **Imposed fee for late renewal application submission:** Imposing fines will provide more leverage for OSSE to compel providers to comply in a timely manner and deter expired licenses due to noncompliance. (**Section 107 FEES**)
- **Imposition of civil fines:** The fines are not new, but OSSE has not imposed fines since licensing moved from DOH. Imposing fines will provide more leverage for OSSE to compel providers to comply with the regulations and deter egregious and repeat violations of health and safety requirements. (**Section 180 CIVIL FINES, CRIMINAL PROSECUTION AND INJUNCTIONS**)
- **Requiring all licensed facilities to participate in QRIS within three years of the rules being promulgated:** This requirement allows OSSE to align the child care facilities with the Mayor’s vision for improving the quality of care in the District. (**Section 100 GENERAL PROVISIONS**)
- **Requiring Child Development Home Providers to submit to an annual fire inspection:** This has always been a requirement, but it was not consistently enforced. OSSE will pay for all initial fire inspections for homes and centers; however homes and centers must pay for any necessary repairs. (**Section 104 FIRE SAFETY**)
- **Drug and alcohol testing:** Drug and alcohol testing is required by Child and Youth Safety and Health Act. (**Section 125 CRIMINAL BACKGROUND CHECKS, CHILD PROTECTION HISTORY CHECKS AND DRUG AND ALCOHOL TESTING**)

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<sup>1</sup> The reauthorization of Child Care and Development Block Grant Act (CCDBG) has provided an additional reason to revise the regulations, since it has a major impact on particular aspects of the existing regulation. DEL included all requirements from the CCDBG in the proposed regulations to ensure alignment and/or compliance with the new federal requirements.

- **Pre-service orientation required for all staff within 90 days of employment:** This is new requirement under CCDF. This will be a new cost for the providers, but OSSE will provide support and technical assistance through our professional development program. **(Section CHILD DEVELOPMENT CENTER DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES)**
- **Expanded requirements for emergency preparedness plans for centers and homes:** This is a new requirement under CCDF. **(Section 153 EMERGENCY PREPAREDNESS, FIRST AID AND CARDIOPULMONARY RESUSCITATION)**
- **Caregiver physical abilities to perform work:** This requirement ensures caregivers in homes and centers can provide developmentally appropriate support and care. **(Section 131 PHYSICAL DEMANDS AND WORK ENVIRONMENT REQUIREMENTS )**

#### **Submitting Written Comments**

The “ANPR - Child Development Facilities Licensing” will be open for a 45 day public comment period. All written comments must be received by 4:00 p.m. on Monday, February 8, 2016. Persons desiring to comment on this advance notice should file comments in writing by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: “ANPR - Child Development Facilities Licensing,” 810 First Street, NE 9th Floor, Washington, DC 20002 or via email addressed to: [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov) with subject ““ANPR - Child Development Facilities Licensing.”

