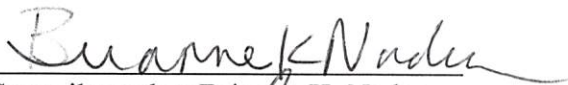



1 
2 Councilmember Brianne K. Nadeau

3 
4 Councilmember Elissa Silverman


Councilmember David Grosso


Councilmember Mary M. Cheh

7
8
9
10
11 A BILL
12

13
14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
15
16

17
18 To amend the Child Development Facilities Regulation Act of 1998 to direct the Office of the
19 State Superintendent of Education to determine the eligibility of child development
20 facilities seeking to occupy space designated for childcare in buildings and adjacent areas
21 for the purpose of meeting the childcare needs of employees and residents; to require the
22 Office of the State Superintendent of Education to market the childcare program and
23 provide technical assistance to the public; to establish a preference system for employees
24 and residents eligible to receive childcare in buildings and adjacent areas; to authorize the
25 Mayor to designate, build out, competitively award, and manage at least 10, 300 square
26 feet of space in new, renovated, and existing buildings and leased space; and to repeal the
27 District of Columbia Employees Child Care Facilities Act of 1986.

28
29 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
30 act may be cited as the “District of Columbia Child Development Facilities Expansion
31 Amendment Act of 2017”.

32
33 Sec. 2. The Child Development Facilities Regulation Act of 1998, effective April 13,
34 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq*), is amended as follows:

35 (a) Section 2(8) is amended by striking the phrase “24 months of age” and inserting the
36 phrase “36 months of age whose date of birth comes after September 30th of the upcoming
37 school year” in its place.

38 (b) Designate sections 2 through 21 as “TITLE I. Child Development Facilities
39 Regulation.”.

40 (c) A new Title II is added to read as follows:

41 "TITLE II. CHILDCARE IN GOVERNMENT BUILDINGS.

42 "Sec. 201. Definitions.

43 "For the purposes of this title, the terms:

44 "(1) "Adjacent area" means the real property surrounding a District building that
45 is owned by the District or real property associated with the adjacent area.

46 "(2) "District building" means a building that is owned by the District and
47 occupied by District employees, excluding schools, jails, and prisons.

48 "(3) "OSSE" means the Office of State Superintendent of Education.

49 "(4) "Services" means lighting, heating, cooling, electricity, office furniture,
50 office machines and equipment, classroom furnishings and equipment, kitchen appliances,
51 playground equipment, telephone service (including the installation of lines and equipment and
52 other expenses associated with telephone services), security systems (including installation and
53 other expenses associated with security systems), including replacement equipment, as needed.

54 "Sec. 202. Eligibility of child development facilities.

55 "The OSSE shall determine whether an existing child development facility is eligible to
56 provide childcare in a District building or adjacent area. Each eligible child development facility
57 shall at a minimum:

58 "(1) Be a licensed child development facility that has a contract with the OSSE to
59 provide childcare for eligible infants and toddlers under the childcare subsidy program (§ 4-402);

60 "(2) Serve infants and toddlers of whom at least 50% are eligible for childcare
61 subsidy;

62 “(3) Have experience and staff that serve infants and toddlers with special needs
63 as determined by the OSSE;

64 “(4) Have a Quality Rating and Improvement System standard of gold or silver;

65 “Sec. 203. Additional responsibilities of the OSSE.

66 “(a)(1) The OSSE shall create a policy manual for child development facilities seeking to
67 provide childcare in District buildings or adjacent areas.

68 “(2) The policy manual shall be published online and updated as necessary.

69 “(b) The OSSE shall assist in marketing childcare in District buildings and adjacent areas
70 to the public and provide technical assistance as necessary.

71 “(c) The OSSE shall assist the Mayor in the design and development of the childcare
72 space.

73 “Sec. 204. Access to childcare in District buildings and adjacent areas.

74 “(a) Childcare provided in a District building and adjacent area pursuant to this title shall
75 be made available to the following parents or legal guardians, in order of priority:

76 “(1) District residents who are District government employees assigned to work in
77 the District building or adjacent area where childcare space is provided;

78 “(2) District residents who are District government employees not assigned to
79 work in the District building or adjacent area where childcare space is provided;

80 “(3) District residents who are not District government employees;

81 “(4) District government employees assigned to work in the District building or
82 adjacent area where childcare space is provided who reside outside of the District.

83 “(5) District government employees not assigned to work in the District building
84 or adjacent area where childcare space is provided who reside outside of the District.

85 “(b) Twenty percent of childcare slots in a District building or adjacent area may be used
86 to provide childcare for District government employees who are residents assigned to the District
87 building or adjacent area where childcare space is provided.

88 “(c) Ten percent of childcare slots in a District building or adjacent area may be used to
89 provide childcare for District government employees who are residents not assigned to the
90 District building or adjacent area where childcare space is provided.

91 “(d) At least thirty percent of childcare slots in a District building or adjacent area shall
92 be used to provide childcare to infants and toddlers who are subsidy eligible.

93 “(e) Access to childcare under this title shall be limited to infants and toddlers.

94 “Sec. 205. Requisites for childcare space.

95 “(a) The Mayor shall designate at least 10,300 square feet of space within District
96 buildings and adjacent areas to meet the childcare needs required by this title (“childcare space”).

97 “(b) The Mayor may designate any adjacent area that is used for childcare purposes
98 pursuant to this title for use by a child development facility if the adjacent area is available and
99 needed by a child development facility.

100 “(c) The Mayor shall make the designation required by subsection (a) of this section for
101 every District building or adjacent area that accommodates 100 or more District government
102 employees or whenever the Mayor makes an addition, alteration, or repair to an existing District
103 building or adjacent area that represents at least 25% of the net square foot area of the 1st floor of
104 the District building or adjacent area and that results in an increase in the employee
105 accommodation of the District building or adjacent area of 100 or more.

106 “(d) Within 30 days of childcare space becoming available pursuant to this section, the
107 Mayor shall notify the public.

108 “Sec. 206. The buildout of childcare space.

109 “(a) The Mayor, in consultation with the OSSE, shall design and build out childcare
110 space within a District building or adjacent area that has the following: care areas, for use by
111 infants and toddlers; staff areas, for use by teachers and administrators; and service areas, for use
112 by people servicing the center.

113 “(b) In addition to the childcare space, and in consultation with the OSSE, the Mayor
114 shall designate, where possible, an area within District buildings or adjacent areas as playground
115 space, for use by childcare development facilities under contract pursuant to this title.

116 “(c) The Mayor shall set aside space within the childcare space to accommodate children
117 with special needs subject to rules of the OSSE.

118 “Sec. 207. Contractual terms for leasing childcare space.

119 “(a) The Mayor shall establish a competitive process through which to award leases to
120 eligible child development facilities to establish childcare in District buildings and adjacent
121 areas.

122 “(b)(1) Utilization and management of space designated for childcare shall be subject to
123 terms and conditions set forth by the Mayor.

124 “(2) All contracts shall be for 5 years with an option to renew.

125 “(3) The contract terms shall include, at a minimum, proof of financial
126 responsibility, liability insurance, and an agreement on the maintenance of services.

127 “(c)(1) The District shall not charge child development facilities for rent or services for
128 childcare performed with childcare space.

129 “(2) Child development facilities shall enter into an agreement to transfer cost
130 savings on to their clients. The Mayor may terminate the contract with any child development

131 facility that offers childcare within the childcare space but does not pass cost savings on to their
132 clients.

133 “(d) The District shall not be liable for negligent acts or acts of omission on the part of
134 the child development facility, or its employees.

135 “Sec. 208. Additional responsibilities of the Mayor.

136 “(a) Within 120 days of the effective date of this title, the Mayor shall submit a report to
137 the Council delineating a comprehensive plan for designating space within District buildings and
138 adjacent areas to meet the childcare needs of the District.

139 “(b)(1) The Mayor shall perform an annual audit of the availability of space for childcare
140 within District buildings and adjacent areas that meet the requirements of this title. The audit
141 shall contain a timeline in which space will be ready for childcare purposes.

142 “(2) The audit shall be published online and updated as necessary.

143 “(c) By December 1 of each year, the Mayor shall file with the Mayor and the Council a
144 report on the availability and management of space for childcare within District buildings and
145 adjacent areas.

146 “Sec. 209. Periodic reassessment of need; closing of a childcare space.

147 “(a) The Mayor shall assess the office space needs of each District building and adjacent
148 area, and the need for childcare space in the District every 3 years. If the assessment
149 demonstrates a greater need for office space than for childcare, the Mayor may convert existing
150 childcare space to office space if the following apply:

151 “(1) No child development facility has entered into a lease with the Mayor to
152 provide childcare within 3 years after a certificate of occupancy has been issued for the childcare
153 space; or

154 “(2) Less than 8 infants and toddlers are enrolled in the child development facility
155 every year of the contract with a child care facility.

156 “(b) The Mayor may close any child development facility operating within a childcare
157 space after providing the child development facility with 120 days written notice of the closure.

158 “Sec. 210. Agreements with child development facilities existing on the effective date of
159 this title.

160 “Nothing in this title shall be deemed or construed to amend, modify, or change any
161 existing agreement with a child development facility already in a District building at the time of
162 the effective date of this title.

163 “Sec. 211. Rules.

164 “Within 120 days of the effective date of this title, the Mayor shall promulgate proposed
165 regulations to implement the provisions of this title. The proposed rules shall be submitted to the
166 Council for approval, in whole or in part, by resolution.”

167 Sec. 3. The District of Columbia Employees Child Care Facilities Act of 1986, approved
168 February 24, 1997 (D.C. Law 6-169; D.C. Official Code § 4-901 *et seq.*), is repealed.

169 Sec. 4. Fiscal impact statement.

170 The Council adopts the fiscal impact statement in the committee report as the fiscal
171 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
172 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

173 Sec. 5. Effective date.

174 This act shall take effect following approval by the Mayor (or in the event of veto by the
175 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
176 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

177 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
178 Columbia Register.