

A RESOLUTION

22-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 16, 2018

To declare the existence of an emergency with respect to the need to amend the Prevention of Child Abuse and Neglect Act of 1977 to provide the Office of the State Superintendent of Education access to substantiated reports from the Child Protection Register to conduct federally required suitability determinations of care givers in child development facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Prevention of Child Abuse and Neglect Act Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to amend the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.01 *et seq.*) ("the Act"), to provide the Office of the State Superintendent of Education ("OSSE") access to substantiated reports from the Child Protection Register to conduct federally required suitability determinations of staff, caregivers, and volunteers in child development facilities.

(b) The Child Care and Development Block Grant Act of 1990, approved November 5, 1990 (104 Stat. 1388; 42 U.S.C. § 9858 *et seq.*) ("CCDBG Act"), a recently reauthorized federal law, and its implementing regulations (45 CFR § 98.43(b)), require that all child development staff members (including prospective staff members) of all licensed, regulated, or registered child development facilities have a comprehensive background check, unless they are related to all children in their care. The federal government requires the lead agency in each state, which is OSSE in the District of Columbia, to complete a comprehensive criminal background check for all child development staff that includes a check of the state-based child abuse and neglect registry and database.

(c) The District's state-based child abuse and neglect registry and database is the Child Protection Register, established pursuant to the Act. However, currently, District law only provides access to substantiated reports from the Child Protection Register to chief executive officers or directors of day care centers, schools, or any public or private organizations working directly with children, for the purpose of making employment decisions regarding employees and volunteers or prospective employees and volunteers.

(d) In order for the District to comply with CCDBG Act's requirement that OSSE, the lead agency determining suitability for all child development facility staff and volunteers, determines suitability for employment within 45 days, the District must expand access to substantiated reports from the Child Protection Register to OSSE. This will create a more seamless and coordinated system for verifying "suitability for employment" of the more than 5,500 child development staff who work in the District's child development facilities.

(e) Therefore, an immediate need exists to ensure child development facility operators are not delayed in hiring staff. Without a suitability determination, a child development staff member is not allowed to be left alone with children. This greatly impacts the business operations for District child development providers and has the potential to negatively impact the District's current effort to expand by 1,000 the number of infant and toddler slots at child development facilities over the next 3 years, which will include an additional 300-400 staff requiring background checks.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Prevention of Child Abuse and Neglect Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.