

A RESOLUTION

22-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to amend the Child Development Facilities Regulation Act of 1998 to exempt parent-led play cooperatives from the requirements of the Child Development Facilities Regulation Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Parent-led Play Cooperative Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On September 14, 2018, the Office of the State Superintendent of Education (“OSSE”) indicated to parents participating in playgroups organized through the Capitol Hill Cooperative Play School (“CHCPS”) that CHCPS would have to obtain a license pursuant to 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.*) (“the Act”).

(b) Last year, the Petworth Playgroup Coop (“PPC”) received a similar notice from OSSE, but the investigation ended when PPC relocated.

(c) CHCPS, PPC, and other similar parent-led play cooperatives are, generally, a platform for parents, step-parents, and legal guardians (“parents”) of young children to arrange meetings for children younger than school-age to socialize through play. Parents agree to rotate responsibility for supervising the meetings, such that not every child’s parent is necessarily present for every meeting. None of the parents in CHCPS, PPC, and other similar parent-led play cooperatives receive any monetary compensation for participating in the playgroups. Parent-led play cooperatives often collect fees that are used solely to cover expenses such as rent, insurance, equipment, and other activities that the children may participate in as a group. Some parent-led play cooperatives incorporate as a nonprofit organization for the purpose of, for example, entering into a lease for playspace.

(d) CHCPS has been operating since the 1970s, and CHCPS, PPC, and other parent-led play cooperatives had been operating without the need to obtain a license, ostensibly pursuant to an exemption for “informal parent-supervised neighborhood play groups” in section 4(2) of the Act, though it is not clear that the District government ever made a determination regarding the need to obtain a license.

(e) After an investigation, reportedly based on an anonymous tip, OSSE made an initial determination that CHCPS is not eligible for a statutory exemption from the requirements of the Act, and OSSE indicated that CHCPS must hire a full-time director and apply to be licensed or risk being ordered to close permanently.

(f) The lack of clarity regarding whether parent-led play cooperatives must be licensed pursuant to the Act has left many parents uncertain about the legality of the parent-led play cooperatives in which they participate. There is widespread fear among parents that, by participating in an organized playgroup, they are violating the law. Many parents who are members of parent-led play cooperatives have arranged their schedules in reliance on the parent-led play cooperative's continued operation, and a disruption of any parent-led play cooperative would cause serious disruption for many parents.

(g) Emergency legislation is necessary to ensure that parent-led play cooperatives can operate with certainty while the Council and the Mayor consider a permanent policy solution.

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 Parent-led Play Cooperative Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.