

COUNCIL OF THE DISTRICT OF COLUMBIA

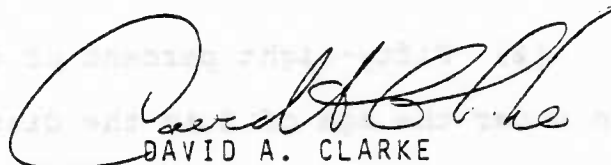
NOTICE

D.C. LAW 6-169

"D.C. Employees Child Care Facilities Act
of 1986".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-429 on first and second readings, September 23, 1986 and October 7, 1986, respectively. Following the signature of the Mayor on October 30, 1986, this legislation was assigned Act No. 6-218, published in the November 14, 1986, edition of the D.C. Register, (Vol. 33 page 7028) and transmitted to Congress on January 7, 1987 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-169, effective February 24, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7,8,9,12,13,14,15,16,20,21,22,23,26,27,28,29,30

February 2,3,4,5,6,9,10,11,17,18,19,20,23

~~DEFECTIVE~~
~~DATE~~ FEB 24 1987

AN ACT

Codification
New, Chapter
of title 3

D.C. ACT 6 - 2 1 8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 3 0 1986

To allow for new, renovated, and existing District government office buildings to include adequate space to meet child care needs of District government employees under specific circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia Employees Child Care Facilities Act of 1986".

Sec. 2. The Council of the District of Columbia ("Council") finds that:

New, D.C. Cor
sec. 3-901
(1987 supp.)

(1) The District of Columbia has more than 25,000 pre-schoolers and 45,000 school-aged children in need of child care services.

(2) Fifty-eight percent of the mothers with children under the age of 3 in the District of Columbia are employed.

(3) Sixty-three percent of the mothers with children 3 to 5 years of age in the District of Columbia are employed.

(4) During the period 1970 and 1980 the

percentage of mothers with young children in the labor force rose, resulting in a greater proportion of pre-school children requiring child care services.

(5) Eighty percent of women in the work force are of child bearing age, and 93% of them are expected to become pregnant at some point in their careers.

(6) There is a substantial need to provide adequate child care facilities for District of Columbia ("District") government employees that are low cost, safe, and convenient to the job site.

(7) District agencies will experience increased productivity and morale, as well as lower absenteeism and turnover rates, by its staff by strategically placing child care facilities in the buildings where the parents work.

(8) Recruitment efforts will attract quality personnel because the provision of child care services is an incentive for reliable and responsible family members.

Sec. 3.(a) There is established within the District government a child care bureau ("Bureau"). The bureau shall provide the District government a single administrative unit, responsible to the Mayor, to implement the provisions of this act and other programs that may be delegated to it by the Mayor of the District of Columbia ("Mayor") to promote child care.

New, D.C. Co
sec. 3-902
(1987 supp.)

(b) The bureau shall be headed by an executive

director, who shall be appointed by the Mayor within 90 days after the effective date of this act. The executive director shall devote full time to the duties of the office. In addition, there shall be made available to the executive director out of the budget for the fiscal year ending September 30, 1987, resources for staff necessary to carry out the provisions of this act. For subsequent fiscal years, the Mayor shall propose a budget adequate for the operation of the bureau.

(c) In order to carry out the purposes of this act, the executive director shall, among other duties:

(1) Serve as an advocate for child care in the District of Columbia;

(2) Develop recommendations for a central child care policy and a comprehensive plan for addressing child care needs in the District;

(3) Provide an ongoing mechanism to increase the coordination and the sharing of information among the various agencies currently sharing responsibilities for child care, as well as the various commissions and advisory boards involved in the delivery of child care services;

(4) Develop an analysis and forecast of child care needs in the District government;

(5) Identify areas of need for service or improvement of service and bring them to the attention of the Mayor,

with suggestions for meeting these needs, including conducting or funding research and demonstration projects to test the suggestions;

(6) Provide information and technical assistance with respect to programs and services for child care to the Mayor, other District government agencies and departments, and the community including, when necessary, contracting for consultant assistance outside the District government;

(7) Evaluate present laws, regulations, procedures, and existing public and private programs, their capacities and program models, and make recommendations to the Mayor for improvement;

(8) Review and comment on proposed District and federal legislation, regulations, policies, and programs, and make policy recommendations on health, safety, and quality issues as they relate to child care.

(9) File with the Mayor and with the Council an annual report on the operation of the bureau to include information developed pursuant to paragraphs (5), (6), and (7) of this subsection, as well as an analysis of child care needs, and make it available to the public;

(10) Publish a directory to be revised at least every 2 years, of child care services available to District residents through the District government, including, to the maximum extent possible, sources of nonpublic assistance and

programs for child care in the District; and

(11) Assure necessary control, evaluation, audit, and reporting on programs funded through the bureau.

Sec. 4.(a) The District government shall set aside adequate space within government-occupied buildings to meet the child care needs of its employees whenever:

New, D.C. C
sec. 3-903
(1987 supp.

(1) (A) The government constructs, leases, or receives as a gift any office building that will be used to accommodate 100 or more District government employees; or

(B) The government makes additions, alterations, or repairs to existing District government-owned or -occupied office buildings that change the use of 25% of the net square foot area of the building and include the addition to, alteration of, or repair to the first floor in order to accommodate 100 or more District government employees; and

(2) A review of future employee occupancy shows sufficient need for child care services for 20 or more children.

(b) The Director of the Department of Administrative Services may secure space for child care outside any building described in subsection (a) of this section only in the event that all other physical requirements controlling the development of the child care facilities within the office building cannot be utilized, and only if funds for

the offsite child care facilities are made available.

(c) Office space occupied by the District government on the effective date of this act may be renovated to accommodate a child care facility subject to the availability of funds and the direction of the Director of the Department of Administrative Services.

(d) Space designated within a District office building for a child care facility shall comply with all other provisions of District law.

(e) The interior area of child care space shall not exceed 2,000 feet, or be less than that required to accommodate 20 children, excluding space for restrooms, kitchen facilities, storage areas, and teacher offices.

(f) This act shall not be construed to apply to those buildings that provide care or 24-hour residential care for patients, inmates, or wards of the District, such as hospitals and correctional facilities.

(g) The Department of Administrative Services shall conduct an inventory of the current space and space requirements of the District government office space that could be utilized for child care programs as provided for in subsection (a) of this section. The inventory shall be completed within 90 days of the effective date of this act.

Sec. 5. (a) Utilization of the space described in section 4 for child care shall be subject to terms and

New, D.C. Code
sec. 3-904
(1987 supp.)

conditions set forth by the Director of the Department of Administrative Services. The terms shall include payment of rent, proof of financial responsibility, and maintenance of space. The District government shall not be liable for negligent acts or acts of omission on the part of the child care facility operator, or its employees.

(b) Space for child care facilities shall first be made available to employees who wish to establish non-profit child care facilities at a rate to be established by the Director of the Department of Administrative Services, based upon the actual cost to the District, or the average cost of District-controlled office space, whichever is less.

(c) Space for child care facilities may be made available to private organizations that wish to establish child care facilities in District government buildings.

(d) Rates for the rental of space in District buildings to be made available for child care facilities shall be established by the Director of the Department of Administrative Services, who shall attempt to keep these costs as low as possible so that fees paid by employees for child care services will not be substantially impacted by high overhead costs.

(e) Contracts with private organizations to provide child-care services shall be competitively bid and awarded, and may include factors in addition to price, such as the

provision of early childhood education programs, infant care, and other developmental models.

(f) The department or departments occupying any building shall notify the employee-occupants of the availability of space to be used for child care facilities no earlier than 180 days prior to the projected date of occupancy of a new building or space provided as the result of additions, alterations, or repairs that both change the use of 25% of the net square foot area of the building and include the addition to, alteration of, or repair of the first floor.

(g)(1) The space may be used for other purposes, as long as no permanent alteration of space occurs, if within 30 days after full occupancy of a new office building, or 30 days after completion of additions, alterations, or repairs to an existing District government building, the employee-occupants:

(A) Have not requested a child-care needs review by the bureau;

(B) Have not filed an application to be chartered as a non-profit corporation for the purpose of organizing a child care facility;

(C) Have not deposited 2 months' rent in a commercial bank or savings account; or

(D) Have not entered into a contract with

the Department of Administrative Services.

(2) Other purposes may include, but are not limited to, conference rooms, storage rooms, or offices.

(h) The space may be reconverted for child care purposes within 180 days of the notice, if, at a later date, the employee-occupants:

(1) File an application to be chartered as a non-profit corporation for the purpose of organizing a child care facility;

(2) Deposit 2 months' rent in a commercial bank or savings account; and

(3) Notify the Director of the Department of Administrative Services of those actions.

(i) Within 120 days of the effective date of this act, the Mayor shall promulgate proposed rules governing the operation of child care facilities in District government buildings. The proposed rules shall be submitted to the Council for approval, in whole or in part, by resolution.

Sec. 6.(a) When a child facility has been continuously operating for 4 years, the executive director of the bureau shall assess the child care needs of District employees using the facility and the office space needs of the building within which the facility is located. If the assessment demonstrates a greater need for office space than for child care, the Director of the Department of

New, D.C. Co
sec. 3-905
(1987 supp.)

Administrative Services may close the child care facility after 90 days written notice of the closure is given to the director or head teacher of the facility.

(b) All children registered in a child care facility closed pursuant to subsection (a) of this section may be given relocation assistance into other child care facilities.

Sec. 7. The Child Development Facilities Regulation, enacted December 14, 1974 (Reg. 74-34; 29 DCMR 300 et seq.), is amended by:

New, D.C. C.
sec. 3-906
(1987 supp.)

(a) Striking section 102(4) (29 DCMR 300.3(d)); and

(b) Striking all of title V (29 DCMR 340.1 through 340.13) and inserting the following in its place:

"TITLE V - RULEMAKING

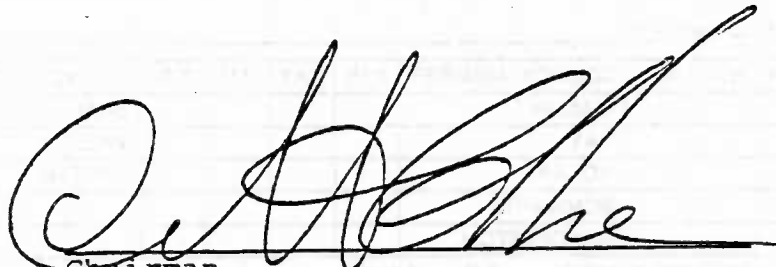
"Section 501. The Mayor shall, subject to section 502 and pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), issue rules to continually review and update the child development facility standards established under title IV. In addition to the types of requirements and facilities (e.g. child development homes and centers) already addressed by these standards, the Mayor shall issue rules with respect to infant care, handicapped care, before- and after-school care, and, as the Mayor deems appropriate, any other category of care.

"Section 502. The proposed rules shall be submitted to the Council of the District of Columbia ("Council") for a 60-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 60-day review period, the proposed rules shall be deemed approved.

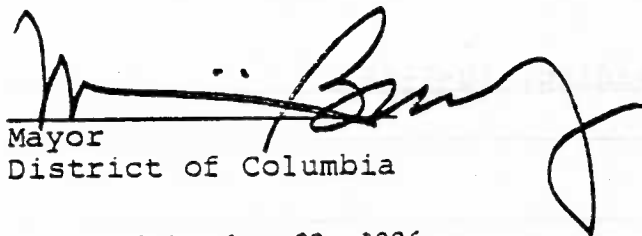
"Section 503. The standards established under title IV shall remain in effect until modified or otherwise superseded by rules issued by the Mayor pursuant to this title. Upon the effective date of such rules, those provisions of title IV that have been modified or superseded shall be deemed repealed."

Sec. 8. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

Approved October 30, 1986



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-429

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-23-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

10/15/86
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-7-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Kane and Mason

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

10/15/86
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date