

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D. C. LAW 3-16

"Day Care Policy Act of 1979"

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. 3-7, on first and second readings, May 22, 1979 and June 5, 1979 respectively. Following the signature of the Mayor on June 29, 1979, this legislation was assigned Act No. 3-57, published in the July 6, 1979, edition of the D.C. Register, (Vol. 26 page 20) and transmitted to Congress on July 3, 1979 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 the following legislation as D.C. Law 3-16, effective September 19, 1979.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25 26, 27, 30, 31
August	1, 2, 3
September	5, 6, 7, 10, 11, 12, 13, 14, 17, 18,

DC. LAW 3-16

EFFECTIVE
DATE SEP 19 1979

AN ACT

D.C. ACT 3-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 29 1979

To establish policies regarding the provision of day care services by the District of Columbia Department of Human Resources.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Day Care Policy Act of 1979".

Sec. 2. As used in this act:

(a) The term "child" means an individual between the ages of birth and fifteen (15) years.

(b) The term "child development center" means a child development facility for more than five (5) children which provides a full day (more than four (4) but less than twenty-four (24) hours per day), part day (up to four (4) hours per day) or before and after school child development program, including such programs provided during school vacations.

(c) The term "child development home" means a private residence which provides a child development program for up

to a total of five (5) children with no more than two (2) children younger than two (2) years of age in the group. The total of five (5) children shall not include those of the caregiver who are six (6) years or older: EXCEPT, That the total number of children of the caregiver between the ages of six (6) and fifteen (15) shall not exceed three (3), and of those three (3) children, no more than two (2) shall be age ten (10) or younger. A child development home shall also include care given to a child by a caregiver related to the child. For the purpose of this subsection, "related" means any of the following relationships by marriage, blood, or adoption: grandparent, brother, sister, step-sister, step-brother, uncle, and aunt.

(d) The term "Department" means the District of Columbia Department of Human Resources.

(e) The term "in-home care" means a child care program provided in a child's home by an in-home caregiver pursuant to section 12 of this act.

Sec. 3. The Department is hereby authorized to provide a broad program of day care services for children of parents referred or approved by the Department for various training and work incentive programs, for children of other parents known to the Department where day care appears to be in the child's best interest, and for children of low-income

families, otherwise unknown to the Department, where the parents are employed outside of the home. As a part of its broad program of day care services, the Department shall develop a funding system for all child development facilities serving such children consistent with the provisions of this act that will encourage such facilities to:

(a) provide a setting and a comprehensive program for the critically important early childhood development experience that will include, but not necessarily be limited to, educational, social, recreational, transportation, health, and nutritional services;

(b) provide services directed to the total well-being of the child and the stabilization of the family unit;

(c) provide a program which incorporates a broad-based parent and community participation component;

(d) provide a resource to enable parents to join or remain in the work force, participate in job training, and to attain self-sufficiency and independence for their families; and

(e) provide a program which protects children of working parents from neglect or inadequate care.

Sec. 4. The Department is hereby authorized to pay the full cost of day care for children identified through the following circumstances:

(a) Children of AFDC mothers referred to, enrolled in, and participating in the Work Incentive Program (WIN).

(b) Children of AFDC mothers in other goal oriented training programs; such programs being identified as those which include services of a job placement officer, social worker, counselor, or other special staff member who offers support and help in job finding and employment adjustment.

(c) Children of AFDC mothers who have completed training for the first three (3) months following placement in full time employment.

(d) Children of AFDC fathers or AFDC children who are living with caretaker relatives whose requirements are included in the public assistance grant and who are in training for employment.

(e) Children of AFDC mothers who are mentally retarded or who have a history of mental illness when day care is deemed to be in the child's best interest.

(f) Children of AFDC parents who are receiving extended treatment because of physical or mental problems, and day care is recommended by the treating facility.

(g) Children of AFDC mothers who are attending high school, until the mother receives a high school diploma or drops out of school. In the case of high school graduates, day care shall be continued for three (3) months after graduation occurs.

(h) Children of unwed mothers who live with one (1) or both parents or another caretaker relative, if the parent or parents or other caretaker relative either refuses to give care to the child or is unable to do so -- until the mother receives a high school diploma, or reaches the age of eighteen (18), or drops out of school.

(i) Children who are approved for AFDC and live with caretaker relatives (not parents), and children approved for General Public Assistance and live with unrelated caretakers, when day care is required due to employment of the caretaker.

(j) Children of unemployed parents who are receiving vocational rehabilitation services, when day care is needed to allow them to engage in an established vocational rehabilitation program.

(k) Children receiving child protective services, if such children are not in foster care placement and day care is deemed to be in the child's best interest.

(l) Children who are medically certified by a licensed physician or treatment facility as physically handicapped or mildly retarded.

(m) Children eligible for day care under subsections (k) and (l) of this section shall receive priority consideration for any day care vacancy.

Sec. 5. The Department is hereby authorized to supplement the payment for day care services by parents (paid directly to a child development center, child development home, or to an in-home caregiver according to a daily fee scale), whose gross annual income does not exceed the limits specified in the fee scale for the designated family size in section 6 of this act, under the following circumstances:

(a) Children of AFDC parents placed in employment through the Work Incentive Program (WIN) or other goal oriented training programs -- after completion of three (3) months of such employment.

(b) Children of other single parents (in single parent households) when day care is needed due to the parent's employment.

(c) Children of working parents whose income is limited and the provision of day care services will enable the family to remain together.

(d) Children of parents who are receiving extended treatment due to physical or mental problems and day care is recommended by the treating facility.

(e) Children of employed parents who are receiving vocational rehabilitation services, when day care is needed to allow them to engage in an established vocational rehabilitation program.

(f) Children of parents who are enrolled in an employment and training program approved by the Mayor and who meet income eligibility requirements established by this act.

Sec. 6. The scale for day care fees to be paid by parents shall be based on the following criteria:

(a) The daily rate of pay by parents, for children in day care, shall be based on family size, the family's gross income as compared to median income specified by federal determination for services under Title XX of the Social Security Act, and a graduated percentage of costs of care as specified by payment rates established by sections 10 and 11 of this act.

(b) Day care shall be provided free for otherwise, eligible children whose family's gross income is less than fifty (50) percent of the median income, adjusted to family size, for the District of Columbia.

(c) Eligibility for subsidized care through the Department shall cease when the family's gross income, adjusted to family size, is greater than eighty-five (85) percent of the specified median income.

(d) Parents shall pay a percentage of costs for each child in day care, on a graduated scale, as their gross income increases from fifty (50) to eighty-five (85) percent of the specified median income. The percentages for the five (5) graduated increments shall be four (4), eight (8), twelve (12), sixteen (16) and twenty (20) percent of the appropriate payment rates specified in sections 10 and 11 of this act, as shown in the chart below.

Parent	4%	8%	12%	16%	20%	
Payment:	Free	of cost	of cost	of cost	of cost	of cost
When family	50% of	57% of	64% of	71% of	78% of	85% of
income is:	median	median	median	median	median	median
	income	income	income	income	income	income

Sec. 7. The Department shall be responsible for payment of day care fees to:

(a) a child development home, after admission of a particular child, for its part of the appropriate rate for

up to fifteen (15) consecutive days for that child when absence is caused by illness of the child or a change in the parent's training status, provided the child is in regular attendance and the parent remains eligible or a space is being reserved;

(b) a child development center, unless at the end of a fiscal year, it is determined that an average attendance rate of eighty (80) percent for eligible children enrolled in the center was not maintained during the portion of the fiscal year (excluding District and federal holidays) for which the center has contracted to provide services, in which case the Department shall not be responsible for reimbursement of that proportion of its payment of day care fees for those days of non-attendance by eligible children resulting from an average attendance rate of less than eighty (80) percent; and

(c) an in-home caregiver only for those days when the in-home caregiver is present in the home of the mother or caretaker relative and rendering services as agreed.

Sec. 8. An overpayment by the Department to a child development center, child development home, or to an in-home caregiver who is continuing to provide day care services shall be collectible in any amount.

Sec. 9. The collection of an overpayment of not more than twenty-five dollars (\$25.00) may be waived for child development centers, child development homes, or in-home caregivers who are no longer providing day care services for the Department.

Sec. 10. The Department shall, on an annual basis, enter into contracts or agreements with licensed child development centers to provide day care services for children described in sections 4 and 5 of this act who are two (2) years of age or older. Payment for such services shall be on the following basis:

(a) Subject to subsections (b) through (f) of this section, payments to such child development centers for care of these children shall be made on a monthly basis according to the following rates, effective October 1, 1979:

(1) Full Day Care - \$12.50 per day for each child, plus \$1 more per day when the center provides transportation.

(2) Part-time Care - \$5.25 per day for each child.

(3) No center shall be paid more than its stated rate, prior to application of its sliding fee scale, for non-DHR eligible children.

(b) For child development centers that reserve at least twenty-five (25) percent of their classroom capacity for

children eligible for funding under this act, the Department shall, on or before August 1, 1979 for fiscal year 1980 and at least ninety (90) days prior to the beginning of each subsequent fiscal year, specify the number of spaces its projects will be utilized by children eligible for funding under this act during the next fiscal year, and provide written notification of its projection to each such center.

(c) Payment shall be made by the Department to child development centers for all such spaces specified for reservation in accordance with subsection (b) above, so long as they remain available and are able to be utilized by children eligible for funding under this act.

(d) Reimbursement by the Department to child development centers providing services on a year-round basis shall be based upon a 260-day year.

(e) The Department shall report to the Mayor and the Council of the District of Columbia, by July 1 each year, what impact the cost of living has had on the provision of day care services in the District during the preceding twelve (12) months, and what the monthly utilization has been during that same period in each category of day care paid for by the city.

(f) The Department shall delegate the function of determining the eligibility of children to be served by each child development center whenever:

(1) the center has requested to perform this function; and

(2) the Department has determined, based on the center's current performance of this function or otherwise, that the center has exhibited a reasonable capability to carry out such function.

(g) Child development centers may retain fees collected from parents of eligible children, as specified by the fee scale set forth in section 6 of this act, to be used by the centers to enrich the quality of services provided or to cover emergency expenditures approved by the Department.

Sec. 11. Payments to child development homes, or to in-home caregivers, shall be made according to the following rates, effective October 1, 1979:

(a) Full Day Care

(1) Child Development Homes - \$7.00 per child per day.

(2) In-home Care

(A) For care during the day, \$4.25 per child per day.

(B) For care during night hours, \$5.25 per child per night.

(b) Part-time Care

(1) Child Development Homes - \$4.50 per child per day for before and after school care.

(2) In-home Care

(A) Before and after school care, \$2.75 per child per day.

(B) For night care of less than six (6) hours, \$3.00 per child per night.

Sec. 12. Guidelines and standards for in-home care shall be as follows:

(a) In-home care within the child's own home, by an in-home caregiver, shall be used only when other day care plans are not feasible and in-home care offers greater benefits to the mother or other responsible relative and the child.

(b) In-home care may be provided, as appropriate and available, for children of eligible persons in training and during their subsequent employment, and for AFDC children living with caretaker relatives (not parents) when day or night care is required due to employment of the caretaker relative.

(c) In-home care shall be arranged by mutual agreement between the child's own mother or caretaker relative, the in-home caregiver, and the Department.

(d) Selection of the in-home caregiver shall be made by the parent, subject to final approval by the Department.

(e) The Department shall make direct payments to the in-home caregiver for services rendered.

(f) The in-home caregiver shall be of an age between twenty-one (21) and seventy (70) years.

(g) The in-home caregiver shall furnish the Department with the same medical certification of good health as that required for licensed caregivers pursuant to section 403(h) of Regulation No. 74-34 (Child Development Facilities Regulation). Further, the in-home caregiver shall furnish the Department with medical certification of good health for any child of her own whom she brings to the home of the mother or caretaker relative.

(h) Duties of the in-home caregiver shall be limited to supervision of the child or children in her care, preparation and serving of appropriate meals or snacks, and washing of dishes and utensils used in the preparation of food.

(i) The in-home caregiver shall have no more than two (2) preschool children of her own.

(j) The in-home caregiver shall not care for children other than her own and the child or children of the AFDC mother or caretaker relative.

(k) If the in-home caregiver brings her own children to the home of the AFDC mother or caretaker relative, an agreement shall be reached between them as to the amount of food she brings for their needs.

(l) The in-home caregiver shall have prior experience in child care, either with her own children or siblings.

Sec. 13. Any child development center or child development home that contracts or agrees with the Department to provide day care shall comply with all applicable provisions of Regulation No. 74-34 (Child Development Facilities Regulation).

Sec. 14. (a) The Department shall be responsible for monitoring the provision of day care services to assure that adequate services are provided to the children and that contractual and other agreements are met.

(b) The Department shall develop and publish procedures that will assure that any licensed child development center or home in the District of Columbia can apply to provide day care services to eligible children.

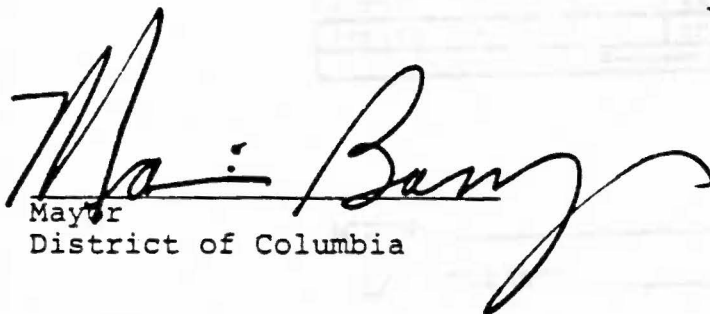
(c) Child development facilities contracting or agreeing with the Department to provide day care, which are

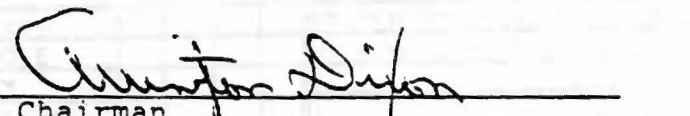
included in the programs for federal reimbursement, shall comply with all applicable federal regulations and requirements.

Sec. 15. The Department is hereby authorized to make grants, not to exceed \$15,000 per year per grantee, to licensed child development centers to develop satellite child development home programs for eligible children under the age of two (2) years. Up to \$100,000 of District appropriations for day care may be spent each year for this purpose.

Sec. 16. The Day Care Policy Act, effective April 25, 1977 (D.C. Law 1-131), is hereby repealed.

Sec. 17. This act shall take effect as provided for acts of the Council of the District of Columbia in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.


Mayor
District of Columbia


Chairman
Council of the District of Columbia

APPROVED: June 29, 1979