



February 15, 2006

The Honorable Adrian Fenty
Council of the District of Columbia
1350 Pennsylvania Ave NW, Suite 408
Washington, DC 20004

Dear Councilmember Fenty:

Because of your interest in the well being of children and youth and out-of-school time (OST) generally, I want to update you on the status of the child development facility regulations. In particular, I would like to share the status of the efforts being made to bring them into the year 2006 and to ensure that minimum standards are met. These regulations are important 1) because they are required by law and 2) because they speak to basic health and safety standards and in the case of early care and education programs, serve as the legal platform for minimum quality standards. This letter contains a discussion of:

- The process for updating the regulations
- The creation and work of the Out-of-School Time Task Force of the Mayor's Advisory Committee on Early Childhood Development
- Expectations for future drafts of the regulations
- Concerns about the timeline for rewriting the regulations
- DC Action for Children's position on the regulations

As you may know, DC Action for Children has been integrally involved with the redrafting of the 30-plus year old child development facility regulations. The process started about eight years ago and was inactive for a few years while the Health Care Regulation and Licensing Administration in the Department of Health reviewed and updated the draft regulations. In the last year, proposed regulations were published and the public was invited to comment. In the fall of 2005, the public again was encouraged to make comments on what is referred to as Draft VIII. Many in the community, especially the OST community were asked to comment as they were in the spring of last year.

Over the years, DC Action for Children has submitted technical comments targeted at ensuring consonance with various District laws, most notably Law 15-353, "Child and Youth Safety and Health Omnibus Amendment Act of 2004." Of late, our interest has expanded to include the school-age care components of the draft/proposed regulations; this parallels our work on the issue of positive youth development. As a result of the addition of positive youth development to our advocacy and budget policy portfolio and

because of my prior work in the redrafting efforts, I was appointed to the Out-of-School Time Task Force (Task Force) of the Mayor's Advisory Committee on Early Childhood Development (MACECD). The role of the Task Force is to make recommendations to the Department of Health (the agency responsible for promulgating the regulations) that are more in line with current thinking and research on school-age care and out-of-school time policies and programming. At the same time, the Task Force is committed to ensuring the health and safety of young people who participate in these programs.

The first order of business was for the Task Force to dust off an old version of the draft regulations, Draft VII. This version, unlike the one shared with the community in late 2005 (Draft VIII), included language about school-age care. Even a cursory review of Draft VII demonstrates that it was written by representatives of and experts on early childhood. This is problematic for many reasons, the most important of which is that the majority of OST programs are not early childhood programs but rather ones that serve older children and youth. The Task Force believes that the frame for this older age group must change, as indicated above, to account for changes in thinking and research. The Task Force is committed to making appropriate recommendations on this issue.

My expectation, as an advocate and as a member of the Task Force, is that the language in Draft VII will not be wholly transplanted into any new version of the child development facility regulations. This means, for example, that Draft VII requirements for staff educational backgrounds and record-keeping will change in our recommendations to the Department of Health. Some replacement language was presented at the February 13 community forum hosted by MACECD and we expect more to be submitted, particularly by the DC Alliance of Youth Advocates (DCAYA) and its members. At the same time that the public is commenting, the Task Force is conducting research on what states are doing that is progressive and more appropriate and we will take all comments and research into account.

Much has been made of the tight timeline on new language for the school-age section of the regulations. The March 15, 2006 deadline was imposed on MACECD by the Department of Health and the Task Force has been working for the past few months as was described above. As an outsider to government, I certainly appreciate the angst that many feel toward the timeline. That said the reason for the extension to March 2006 is that DC Action for Children advocated for a delay in the publication of new proposed rules and we are pleased that the Task Force, DC Children and Youth Investment Trust Corporation (CYITC) and DCAYA joined with us in the request. **It is also important to note that the idea of and legal framework and requirement for regulating OST programs is not new.** First, there is the 1998 law (attached) that requires that programs be licensed and regulated. When asked how many programs in attendance at the February 13 forum knew about the 1998 law, no one raised their hand. Second, significant outreach to the OST community to engage them in the comment process has been conducted. For example, DC ACT and CYITC have worked with DCAYA (of which both organizations are members) and their individual members to inform them of "what is coming down the pike." This has been done for *at least* the past year. Further, DC ACT has regularly emailed and faxed programs for which we have contact information and has posted notices to some 30 community electronic discussion groups. This was on top of that outreach conducted by MACECD and the Department of Human Services.

We believe that it is important to recognize through all of this that the child development facility regulations are required under District law and relate to children and youth from 6 weeks of age through age 14. As previously mentioned, the early care and education and OST communities have been working on updating these regulations for eight years. Just as much has changed in OST over that time, much has changed in research and thinking about programs for young children. For this reason, **it is important that we move the updated regulations in a timely manner – that does not mean we rush them and do a mediocre job. But it does mean that new regulations to reflect current (and often best) practice should be implemented soon in order to protect and nurture children.**

DC Action for Children’s position on the regulations has been consistent: We want what is best for children and youth. To the extent that this is accomplished by regulation then we are supportive. That said we understand that children and youth are not served when quality programs close. Our perspective is that balance is needed – weighing the best interests of youth and those of programs to remain open. In our own independent work and with that with the Task Force, we intend to seek balance, always keeping in mind that our mission is to improve conditions for children and youth. We do not accept the premise that regulating programs will lead to the wholesale closure of OST or even ECE programs. In fact, ECE programs have thrived under the current regulatory framework precisely because the government funds and otherwise supports the quality improvement of programs. Our intention is to use our expertise in the early care and education arena in that of out-of-school time. This means that we will advocate for sufficient funding and policy support to fund improvements – all for the benefit of the city’s children and youth. Further delay of implementing the regulations only serves to delay the inevitable, and in some cases, keep quality programming beyond the reach of some youth.

In conclusion, we remain committed to the regulations and the process of updating them in an appropriate and expeditious manner. Should you or any of your staff have any questions about the regulations or the process, please be in touch with me – 234-9404 or scambria@dckids.org.

Thank you for your commitment to children and youth across the District.

Sincerely,



Suzanne E. Cambria, MSW
Director of Public Policy

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