



DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Testimony of
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Before the

District of Columbia Zoning Commission
Public Hearing
November 2, 2015

Good evening Commissioners. My name is Elizabeth Groginsky and I am the Assistant Superintendent for the Division of Early Learning in the Office of the State Superintendent of Education (OSSE). Thank you for the opportunity to provide testimony regarding the Office of Planning's request for various text amendments adding "child development home expanded" to the District's Zoning Regulations, and for your attention to this important topic. I'd also like to thank the organizations and individuals who provided testimony today and who we work with on a daily basis to provide District families access to safe, nurturing, and supportive child care and early learning opportunities for our youngest residents.

On April 8, 2014, the Council for the District of Columbia enacted the "Child Development Homes License Amendment Act of 2013" to expand the availability of home day care for children under 2 years of age recognizing the shortage of spaces for children under the age of 2 in licensed child development homes. Since then, representatives from OSSE, the Office of Planning (OP), the Department of Consumer and Regulatory Affairs (DCRA), and Fire and Emergency Medical Services (FEMS) have served on an interagency working group to review all regulations pertaining to child development homes with the hope of aligning the various District regulations in a manner that addresses the barriers raised by numerous providers and ensures the District is able to provide more child care slots safely. Accordingly, it was determined that amendments to the District of Columbia Residential Code (12-B DCMR) and District of Columbia Fire Code (12-H DCMR) were required to ensure the fire safety of home day care, including child development homes and expanded child development homes. The final amendment in this streamlining process is the revision of the Zoning Regulations to authorize expanded child development homes as a home occupation.

Title 29, Chapter 3 of the District of Columbia Municipal Regulations (DCMR) (the "Child Development Facilities Regulations"), which governs and issues licenses for child care, authorizes three categories of child care: (1) child development home; (2) expanded child development home; and (3) child development centers. Child development homes and expanded child development homes are operated in private homes occupied by the operator of the facility, whereas child development centers are located in a facility that is not the residence of the operator. DCMR 29, Chapter 3 provides that a child development home is allowed to care for up to six children while an expanded child development home is allowed more than six children and up to a maximum of 12 children.

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The current Zoning Regulations authorizes two categories of child care: (1) a child development home for up to six children; and (2) child development centers for over six children. However, the Zoning Regulations do not identify “expanded child development home” as a use and accordingly, homes with more than 6 children and up to a maximum of 12 children has been defined as a child development center which subjects the home to different building and fire code requirements that are usually requirements for larger child development centers. The lack of the definition of “expanded child development home” as a use has discouraged providers from either creating or expanding their home services due to added cost, burden, and time in obtaining a permit.

Therefore, the proposed amendments in the Zoning Regulation before the Commission today will align the definition of an “Expanded Child Development Home” to DCMR Title 29, Chapter 3. Further, we have proposed the following additional amendments:

- Classifying a child development home and an expanded child development home as a home occupation to align with DCRA’s requirement of child development home operators to obtain a Home Occupation Permit (HOP)
- Allowing a child development home to have 2 non-resident employees and an expanded child development home to have up to 3 non-resident employees similar to the provision for physicians and dentists to hire non-resident assistants and to ensure consistency with DCMR 29, Chapter 3 which requires expanded child development home to have at least two caregivers;
- Limiting the maximum number of children receiving custodial care under the age of two in an expanded child development home to six children;
- Requiring a special exception review for an expanded child development home with 10-12 children; and
- Clarifying the use of basements for home occupations are allowed.

The proposed amendments will potentially increase the number of available slots in licensed child development homes and expanded child development homes and therefore address the concerns raised by many parents that the preferred child development homes do not have the space to serve them and the concerns raised by operators regarding the conflict and duplication of regulations and the burdensome process to obtain a license.

The District currently has 127 child development homes and only two expanded child development homes licensed by OSSE. A 2012 Risk and Reach report identified approximately 20,284 children under the age of three (3) living in the District, and only enough licensed slots, in both centers and homes, for 5,337 or 26% of these children. The proposed amendments would therefore offer the opportunity for additional slots in licensed expanded child development homes, an option many families prefer for their youngest learners.

OSSE is fully committed to working with our inter-agency partners to increase the number of licensed child care slots in the District of Columbia while ensuring that all child development facilities meet the highest standards for health and safety. Action on the proposed zoning amendments will help remove

current barriers in our home-provider community to increase available child care for families in the District. Thank you for providing OSSE with the opportunity to testify and I am happy to answer any questions.