

§ 7–2031. Definitions.

For the purposes of this subchapter, the term:

- (1) “Care giver” means an individual whose duties include direct care, supervision, and guidance of infants or children in a child development facility.
- (2) “Child” or “children” means an individual or individuals from 2 years to 15 years of age.
- (3) “Child development facility” means a center, home, or other structure that provides care and other services, supervision, and guidance for children, infants, and toddlers on a regular basis, regardless of its designated name. “Child development facility” does not include a public or private elementary or secondary school engaged in legally required educational and related functions or a pre-kindergarten education program licensed pursuant to the Pre-k Act of 2008.
- (4) “Infant” means an individual younger than 12 months of age.
- (5) “Licensee” means a child development facility that is licensed pursuant to this subchapter.
- (6) “Person” means any individual, firm, partnership, company, corporation, trustee, or association.
- (6A) “Pre-k Act of 2008” means Chapter 2A of Title 38 [[§ 38-271.01](#) et seq.].
- (7) “Related person” means any legal guardian or any of the following relationships established by marriage, adoption, or blood to the 5th degree:
 - (A) Parent or step-parent;
 - (B) Grandparent;
 - (C) Brother, sister, step-sister, or step-brother;
 - (D) Uncle or aunt; or
 - (E) Niece or nephew.
- (8) “Toddler” means an individual older than 12 months but less than 24 months of age.

([Apr. 13, 1999, D.C. Law 12-215, § 2, 46 DCR 274](#); [July 18, 2008, D.C. Law 17-202, § 603\(a\), 55 DCR 6297](#).)

Section References

This section is referenced in [§ 8-231.01](#).

Prior Codifications

1981 Ed., § 6-3621.

Effect of Amendments

[D.C. Law 17-202](#), in par. (3), substituted “related functions or a pre- kindergarten education program licensed pursuant to the Pre-k Act of 2008” for “related functions”; and added par. (6A).

Temporary Addition of Section

For temporary (225 day) addition of §§ [7-2031](#) to 7-2050, see §§ 2 to 21 of Child Development Facilities Regulation Temporary Act of 1997 (*D.C. Law 12-71*, March 20, 1998, law notification 45 DCR 2106).

Emergency Legislation

For temporary regulation of child development facilities, see §§ 2-21 of the Child Development Facilities Regulation Emergency Act of 1997 (D.C. Act 12-206, December 15, 1997, 44 DCR 346).

For temporary addition of subchapter II, see §§ 2-21 of the Child Development Facilities Regulation Emergency Act of 1998 (D.C. Act 12-511, November 10, 1998, 45 DCR 8153), and §§ 2-21 of the Child Development Facilities Regulation Congressional Review Emergency Act of 1999 (D.C. Act 13-11, February 8, 1999, 46 DCR 2322).

Delegation of Authority

Delegation of authority pursuant to D.C. Act 13-11, the “Child Development Facilities Regulation Congressional Review Emergency Amendment Act of 1999”, see Mayor’s Order 99-66, April 28, 1999 (46 DCR 4231).

Delegation of authority pursuant to [D.C. Law 12-215](#), the “Child Development Facilities Regulation Act of 1998”, see Mayor’s Order 2000-124, August 3, 2000 (47 DCR 6808).

§ 7–2032. Applicability and scope.

(a) This subchapter shall apply to every child development facility and care giver in the District of Columbia.

(b) Unless exempted by this subchapter or the laws of other jurisdictions, the provisions and requirements in this subchapter shall also apply to all child development facilities operated by the District government outside the District of Columbia.

([Apr. 13, 1999, D.C. Law 12-215, § 3, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3622.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2033. Exemptions.

The provisions of this subchapter shall not apply to the following:

(1) Occasional babysitting in a babysitter’s home for the children of one family;

(2) Informal parent-supervised neighborhood play groups;

(3) Care furnished in places of worship during religious services;

(4) Care given by an individual who is related to the child, infant, or toddler;

(5) Child development facilities operated by the federal government on federal government property; however, a private child care provider utilizing space in or on federal government property is not exempt unless federal law specifically exempts the facility from the District's regulatory authority; or

(6) Pre-kindergarten education programs licensed pursuant to Chapter 2A of Title 38.

([Apr. 13, 1999, D.C. Law 12-215, § 4, 46 DCR 274](#); [July 18, 2008, D.C. Law 17-202, § 603\(b\), 55 DCR 6297](#).)

Prior Codifications

1981 Ed., § 6-3623.

Effect of Amendments

[D.C. Law 17-202](#), in par. (4), deleted “or” from the end; in par. (5), substituted “; or” for a period at the end; and added par. (6).

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2033.01. Transfers of personnel, property, and funds from Department of Health to Office of the State Superintendent of Education; continuation.

(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Health that support the functions related to the licensure of child-care programs in the Early Care and Education Administration and the Early Intervention Program shall be transferred to the Office of the State Superintendent of Education, established by § [38-2601](#), within 60 days of July 18, 2008.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Department of Health, the Department of Human Services, the Board of Education, or the District of Columbia Public Schools relating to the functions transferred to the Office of the State Superintendent of Education pursuant to subsection (a) of this section shall remain in effect according to their terms until lawfully amended, repealed, or modified.

([Apr. 13, 1999, D.C. Law 12-215, § 4a](#); [as added July 18, 2008, D.C. Law 17-202, § 603\(c\), 55 DCR 6297](#); [Sept. 26, 2012, D.C. Law 19-171, § 51, 59 DCR 6190](#).)

Effect of Amendments

The 2012 amendment by [D.C. Law 19-171](#) made a technical correction to [D.C. Law 17-202](#), § 603(c), which did not affect this section as codified.

§ 7–2034. License required.

(a) Except as otherwise provided in this subchapter, no person shall, either directly or indirectly, operate a child development facility in the District without first having obtained a license to do so.

(b) An applicant for a license to operate a child development facility shall establish to the satisfaction of the Mayor, that the facility meets all requirements set forth in this subchapter and rules adopted pursuant to this subchapter.

(c) An applicant for a license shall:

(1) Submit an application to the Mayor on a form required and provided by the Mayor;

(2) Submit supporting documentation required by the Mayor; and

(3) Pay the applicable fee established by the Mayor, except that no license fee shall be required of any child development facility operated by the District government.

(d) The license shall be valid for a period of time to be determined by the Mayor and only for the premises and persons named as applicants in the application. Any change in ownership of a licensee owned by a person or in the legal or beneficial ownership of a percentage of stock established by rule of a corporate licensee shall require relicensure.

(e) The Mayor may authorize the issuance of provisional and restricted licenses under specific circumstances and criteria to be established by rule.

([Apr. 13, 1999, D.C. Law 12-215, § 5, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3624.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2035. Licenses issued pursuant to prior law.

Except as otherwise provided by this subchapter, any child development facility licensed pursuant to the Child Development Facilities Regulation, enacted December 14, 1974 (Reg. 74-34; 29 DCMR § 300 et seq.) (“Child Development Facilities Regulation”), as amended, shall be considered licensed pursuant to this subchapter and shall be subject to renewal requirements established pursuant to this subchapter.

[\(Apr. 13, 1999, D.C. Law 12-215, § 6, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3625.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2036. Powers and duties of the Mayor.

(a) The Mayor shall promulgate all rules necessary to implement the provisions of this subchapter, including the following:

(1) Minimum standards of operation of a child development facility concerning staff qualification, requirements and training, facility size, staff-child ratios and group size, program design and equipment requirements, safety and health standards, care for children with special needs, nutrition standards, and record keeping requirements;

(2) Administrative procedures for hearings consistent with the requirements of § [2-509](#), unless otherwise provided in this subchapter;

(3) Allowance for a child development facility to operate on a 24-hour basis so long as no child, infant, or toddler will be under the care of the child development facility for more than 18 consecutive hours in a 24-hour period, or appropriate hours as provided by rule; and

(4) The establishment of a fee schedule to recover the costs of regulating child development facilities pursuant to this subchapter.

(b) The Mayor may conduct investigations and inspections needed to ensure compliance with this subchapter. In this regard, the Mayor may administer oaths, examine witnesses, and issue subpoenas to compel attendance and testimony of witnesses and the production of books, records, and other documents needed to enforce this subchapter. In case of contumacy or refusal to obey a subpoena, the Superior Court of the District of Columbia, at the request of the Mayor, shall issue an order requiring the contumacious person to appear and testify or produce books, papers, or other evidence bearing on the hearing. Failure to obey the court's order shall be punishable as contempt of court.

(c) The Mayor shall maintain and make available to the public information concerning:

(1) The application, licensure, and renewal requirements and procedures; and

(2) An official register of currently licensed child development facilities.

[\(Apr. 13, 1999, D.C. Law 12-215, § 7, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3626.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

Delegation of Authority

Delegation of authority pursuant to [D.C. Law 12-215](#), the “Child Development Facilities Regulation Act of 1998”, see Mayor’s Order 99-199, December 24, 1999 (46 DCR 10569).

Delegation of Authority to Conduct Investigations of Unusual Incident Reports Submitted by Childcare Providers and any Other Person(s) or Entity(s) on Behalf of the Early Care and Education Administration for a Period Not to Exceed Ninety (90) Days from the Effective Date of this Order, see Mayor’s Order 2009-12, February 4, 2009 (56 DCR 2031).

Delegation of Authority pursuant to [D.C. Law 12-215](#), the Child Development Facilities Regulation Act of 1998, as amended, see Mayor’s Order 2009-130, July 16, 2009 (56 DCR 6883).

§ 7–2037. Variances.

An applicant operating a child development facility prior to July 1, 1975, may be granted a variance from the physical or structural requirements of any rule adopted pursuant to this subchapter upon a determination by the Mayor that full compliance would result in exceptional and undue hardship. Any variance shall be granted in accordance with procedures established by rule.

([Apr. 13, 1999, D.C. Law 12-215, § 8, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3627.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2038. License renewal.

(a) A license shall be renewed in accordance with rules established pursuant to this subchapter, unless there is a pending disciplinary action by the Mayor.

(b) An application for renewal of a license shall be submitted to the Mayor no later than 90 days before expiration of the license on a form provided by the Mayor with the appropriate renewal fee. An application for renewal fewer than 90 days after expiration, shall be renewed in accordance with renewal requirements established by rule, including the payment of the renewal fee and any late penalty.

(c) A child development facility holding a valid license at the time of application for renewal shall continue to operate as licensed until the Mayor acts on the renewal application.

[\(Apr. 13, 1999, D.C. Law 12-215, § 9, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3628.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2039. Denial of a license.

The Mayor may, subject to the right to a hearing, deny an initial or renewal license to an applicant who fails to establish that the applicant meets the requirements for licensure established by this subchapter and rules issued pursuant to this subchapter.

[\(Apr. 13, 1999, D.C. Law 12-215, § 10, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3629.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2040. Revocation, suspension, denial of license.

The Mayor may, subject to the right to a hearing, refuse to issue, revoke, suspend, or deny renewal of a license to operate a child development facility to a person who is found to have:

(1) Failed to comply with the provisions of this subchapter and any rules or regulations promulgated pursuant to this subchapter;

- (2) Failed to comply with other federal and District laws applicable to child development facilities;
- (3) Committed, aided, abetted, or permitted to be committed any act of dishonesty, fraud, gross negligence, abuse, assault, battery, or other illegal acts related to the operation of the facility; or
- (4) Been convicted of a crime involving moral turpitude.

[\(Apr. 13, 1999, D.C. Law 12-215, § 11, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3630.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2041. Summary suspension.

(a) If, after an investigation, the Mayor determines that a licensee has failed to comply with the provisions of this subchapter or any rules promulgated pursuant to this subchapter in such a manner as to present an imminent danger to the health, safety, and welfare of children, infants, toddlers, or the general public, the Mayor may summarily suspend or restrict the license prior to a hearing.

(b) The Mayor must provide the licensee with written notice of the summary suspension initiated pursuant to subsection (a) of this section, the reason for the suspension, and the right to request a hearing.

(c) The licensee shall have 5 days after service of the notice of the summary suspension in which to request a hearing to challenge the summary suspension. A hearing shall be held within 5 business days of a timely request and the Mayor shall issue a decision within 5 business days after closing the record.

[\(Apr. 13, 1999, D.C. Law 12-215, § 12, 46 DCR 274.\)](#)

Section References

This section is referenced in § [7-2044](#).

Prior Codifications

1981 Ed., § 6-3631.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2042. Cease and desist orders.

(a) If, after investigation, the Mayor determines that a person has violated any provision of this subchapter or any rule issued pursuant to this subchapter, and the violation presents an imminent danger to the public, the Mayor may issue a written order directing the person to cease and desist from the violation.

(b) Within 5 days of service of the cease and desist order, the person shall request an expedited hearing on the violation. If no request for a hearing is made within the 5-day period, the cease and desist order shall be final. Within 5 business days of a timely request for an expedited hearing, the Mayor shall conduct a hearing.

([Apr. 13, 1999, D.C. Law 12-215, § 13, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3632.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2043. Right of entry and inspection.

To ensure compliance with the provisions of this subchapter and rules adopted pursuant to this subchapter, the Mayor, or any duly authorized designee, shall be permitted at reasonable times to conduct an inspection of any child development facility licensed pursuant to this subchapter or for which a license application has been filed.

([Apr. 13, 1999, D.C. Law 12-215, § 14, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3633.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2044. Hearings.

(a) Exception as provided in § [7-2041](#), before the Mayor denies an application, suspends, revokes, or restricts a license, or imposes a civil fine, the Mayor shall give the person notice of the contemplated action and an opportunity for a hearing. The Mayor shall send all notices by certified mail. Notice of a scheduled hearing shall be sent by certified mail at least 20 days before the hearing date except when an expedited hearing has been requested. The Mayor may request all parties to participate in a settlement conference prior to a hearing and may enter into a negotiated settlement agreement or consent decree in lieu of a hearing.

(b) The Mayor may delegate the authority to conduct a hearing and issue a final decision to an administrative law judge or an attorney examiner in accordance with rules issued pursuant to this subchapter.

([Apr. 13, 1999, D.C. Law 12-215, § 15, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3634.

Temporary Addition of Section

See notes following § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2045. Judicial review.

A person aggrieved by a final decision of the Mayor may appeal the decision to the District of Columbia Court of Appeals pursuant to § [2-510](#).

([Apr. 13, 1999, D.C. Law 12-215, § 16, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3635.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2046. Criminal and civil penalties.

(a) Any person who violates any provision of this subchapter shall, upon conviction, be subject to imprisonment not to exceed 6 months or a fine not to exceed \$300, or both. Each unlawful act shall constitute a separate violation of this subchapter.

(b) Any person who has been previously convicted pursuant to this subchapter shall, upon conviction, be subject to imprisonment not to exceed one year or a fine not to exceed \$5,000, or both.

(c) Civil fines and penalties may be imposed as alternative sanctions for any violations of the provisions of this subchapter or rules issued under the authority of this subchapter pursuant to Chapter 18 of Title 2 (“Civil Infractions Act”). The adjudication of any infraction issued pursuant to the Civil Infractions Act shall be pursuant to of the Civil Infractions Act.

[\(Apr. 13, 1999, D.C. Law 12-215, § 17, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3636.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2047. Prosecutions.

(a) Prosecutions of violations of this subchapter shall be brought by the Corporation Counsel in the name of the District of Columbia.

(b) In prosecutions initiated pursuant to this subchapter, a child development facility claiming an exemption from a licensing requirement of this subchapter shall have the burden of proving entitlement to the exemption.

[\(Apr. 13, 1999, D.C. Law 12-215, § 18, 46 DCR 274.\)](#)

Prior Codifications

1981 Ed., § 6-3637.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2048. Injunctions.

(a) The Corporation Counsel may bring an action in the Superior Court of the District of Columbia in the name of the District of Columbia to enjoin any violation of this subchapter.

(b) Remedies established by this section shall be in addition to criminal sanctions, civil sanctions, or disciplinary action initiated by the Mayor.

(c) In any proceeding brought pursuant to this section, it shall not be necessary to prove that any person has been injured by the violation alleged.

([Apr. 13, 1999, D.C. Law 12-215, § 19, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3638.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

§ 7–2049. Repeal of existing regulations.

The Child Development Facilities Regulation shall remain in effect until superseded by rules issued by the Mayor. Upon the effective date of rules promulgated pursuant to this subchapter, the Child Development Facilities Regulation shall be deemed repealed.

([Apr. 13, 1999, D.C. Law 12-215, § 20, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3639.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

Delegation of Authority

Delegation of authority pursuant to D.C. Act 12-206, the “Child Development Facilities Regulation Emergency Act of 1997”, see Mayor’s Order 98-43, April 7, 1998 (45 DCR 2688).

§ 7–2050. Pending actions and proceedings; existing orders.

(a) No judicial or administrative proceeding commenced by or against any child development facility, or officer or employee of a child development facility in his or her official capacity, shall abate by reason of the taking effect of this subchapter; but the action or proceeding shall be continued with substitution as to parties and officers or agencies as are appropriate.

(b) All decisions issued pursuant to the Child Development Facilities Regulation shall continue in effect until modified, rescinded, or superseded by rules or regulation issued pursuant to this subchapter.

([Apr. 13, 1999, D.C. Law 12-215, § 21, 46 DCR 274.](#))

Prior Codifications

1981 Ed., § 6-3640.

Temporary Addition of Section

See notes to § [7-2031](#).

Emergency Legislation

For temporary addition of subchapter, see notes to § [7-2031](#).

For temporary (90 day) criminal background check provisions, see §§ 201 to 214 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2002 (D.C. Act 14-310, March 26, 2002, 49 DCR 3420).