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Thomas Introduces Resolution to Explore Initiation of Lawsuit Against the Executive for Failure to Follow the Law Regarding Day Care Program Closures
Amendment to Budget Support Act Directs Executive to Continue Daycare

Washington, DC—Ward 5 Councilmember Harry “Tommy” Thomas, Jr., Chair of the Council’s Committee on Libraries, Parks and Recreation, introduced a resolution at the Council’s September 22, 2009 legislative session calling for the Council to explore initiating or intervening in a lawsuit against the Executive to defend and protect the laws of the District due to consistent noncompliance and an attempt to usurp the authority of the Council.

The Executive has ignored two laws unanimously passed by the Council: the “Day Care and Senior Services Emergency and Temporary Acts of 2008,” passed in December 2008, and the “Daycare Facility Emergency and Temporary Act of 2009,” passed in May 2009. The laws require the day care sites to remain open until September 30, 2009 and direct the Executive to rescind any solicitations to third party vendors to take over the DPR day care program. The laws also prohibit closure of the DPR day care sites until the Council receives from the Executive a comprehensive analysis of the city’s day care program, a determination as to whether the District’s laws on privatization have been followed, and a detailed report on the future of special needs/developmental programs and care in the Department of Parks and Recreation and the District.

Neither of the laws was vetoed, and both are currently in effect. Nonetheless, each has been disregarded and violated by the Executive’s actions to privatize day care services. Specifically, OSSE has reduced the program’s current funding from the level authorized by the Council, DPR has closed eight day care facilities, and the DC Department of Real Estate Services has issued requests for offers to third-party vendors for operation of the closed sites.

In a separate action during the September 22, 2009 legislative session, the Council adopted an amendment to the “Fiscal Year 2010 Budget Support Act of 2009” requiring the Office of the State Superintendent of Education (OSSE) to continue to provide day care services through the Department of Parks and Recreation (DPR) until other licensed providers are approved by the Council for those services. The Fiscal Year 2010 budget, as submitted by the Executive to the Council, eliminated the DPR day care program.

“Consistent noncompliance with District laws usurps the authority of the Council,” said Councilmember Thomas. “We have no choice but to explore the possibility of initiating a lawsuit to defend and protect the laws of the District of Columbia. I am also pleased that my colleagues and I were able to amend the Fiscal Year 2010 Budget Support Act to restore this very important day care program until the Council has the opportunity to review and approve third-party providers.”

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