



U.S. General Services Administration  
Child Care Center of Expertise

# **Board of Directors**

## **Child Care**

## **Resource Book**

### **2016**



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# Chapter 1

## Introduction

The mission of a Board is to provide for the welfare and convenience of Federal employees in securing child care services. Specifically, the GSA Child Care Center Boards select, support, evaluate and advise on the child care centers in GSA space. Research and experience shows us that having a governing board for a child care center can improve quality, give parents a voice, and is considered best practice for the industry. Boards can be a key strategic partner in supporting a high quality child care program.

## Purpose

This Board of Directors book contains information and resources to assist volunteers in their participation and roles associated with Boards and child care centers within GSA controlled space. In addition this guide is designed to assist Boards by providing information to develop effective practices for the long term viability and success of the board itself. The three main objectives that are achieved by a board of directors are to: 1) to provide an avenue for fundraising and tuition assistance; 2) to limit individual liability; and 3) uphold the contract with the Provider to ensure quality care.

## Background

The Tribble Amendment, codified in 40 U.S.C. § 590, first became law in 1985, and is the authorizing legislation for the program. Since 1985, GSA has worked with federal agencies to accelerate the development and availability of work-site child care facilities. The Tribble Amendment authorizes GSA to provide space for child care in Federal buildings under its control, with rent paid by the sponsoring federal agencies. This space is allocated at no rent charge to entities to provide child care services for government employees. Other federal agencies with their own independent authority to manage or control space are also authorized by the Tribble Amendment to provide child care space.

In 1987, the House Committee on Government Operations of the 100th Congress further clarified GSA's role by saying that the agency should serve as a "catalyst" in the

process of developing quality, affordable child care centers to meet the needs of working parents. GSA has met that challenge and has worked with many federal agencies to build-out and open more than 110 federal child care centers.

The Tribble Amendment was amended in 1992, to provide that GSA has specific statutory authority to oversee child care operations of federal agencies that occupy GSA space and to provide assistance to those other land holding agencies that are not in GSA space.

Today, GSA's Child Care Program provides operational oversight, guidance and technical assistance with a network of Regional Child Care Program Managers throughout the nation. This network ensures consistency and continuity of services, as well as allows us to gather data to provide operational policy and guidance. The Child Care Program Managers, in cooperation with the GSA Property Managers and other Regional and National Office personnel, have multiple responsibilities which contribute to the "guidance, assistance, and oversight" required of GSA by federal law.

When an agency and GSA makes a decision to pursue the establishment of a work-site child care center, many factors and variables must be addressed. A great deal of groundwork and planning is necessary to ensure the most comprehensive means of development is obtained and that the entire process is understood and followed. The Regional Child Care Program Managers provide guidance and advice throughout the process. They serve as GSA's main link to Boards of Directors and convey policies about child care and other guidance to the Boards and centers.

## **Responsibilities of the Board**

One of the main purposes for the establishment of a Nonprofit Board is to contract for child care services at a particular site. The Nonprofit Board model provides an excellent system to ensure comprehensive participating agency and parent involvement and commitment to the child care center. The Board has responsibility for ensuring their contract with the provider reflects the *Special Conditions to the GSA Licensing Agreement*, thus providing a strong commitment to and responsibility for both quality and affordability.

Core responsibilities of the Board include:

- To partner with GSA and the Child Care Provider to ensure the long-term viability of the center
- To raise scholarship funds so that a diverse population of children of all

- economic and social backgrounds can afford to attend the child care center
- To administer a tuition assistance program
- To serve as a liaison between the provider, the parents and the sponsoring agency
- To keep programs and services consistent with the designated Board purpose
- To solicit, advertise and contract for child care services
- To ensure child care services are provided in compliance with the *Special Conditions of the GSA Licensing Agreement*
- To work cooperatively with GSA to ensure high quality, affordable child care
- To market the center to prospective parents, including through Federal agencies
- To actively seek future Board members and to ensure Board stability and continuity
- To attend training as necessary

Because of their significance these basic responsibilities and functions of the Board are repeated in a variety of ways and in different sections of this guide.

## **Board Composition**

The best functioning Boards have 3 key characteristics:

1. Manageable size, between 5 and 11 members
2. Broad and diverse representation with expertise in several key areas: administration, finance, child development and fundraising
3. Membership with long term commitment

In the beginning stages establishment of a child care center requires several Board meetings over a short space of time. A number of unpredictable issues typically arise which require Board approval. There is less of a problem in convening a quorum and operating as a working, efficient body if the board membership is kept at 5 to 11 members. Large Boards tend to be cumbersome; in addition there is often a mindset on a large Board that attendance by individual members is not essential. A Board of 5 to 11 people promotes decision making as a full body, in depth exploration of issues and development of alternative solutions. As with most Boards, members are typically the busiest individuals in the community. Efficiency is a key part of keeping a Board intact. The rate of resignations will be a clear indication of how well the Board is operating.

Establishment of a child care center requires expertise in child development, the child care delivery system, business administration, personnel management, marketing and

financial management. The best boards have members with a full range of expertise and balance among its members. The Board should actively pursue members who have these areas of expertise. While there may be parents who qualify as Board members, the Board should reach out to other members of the community also (both Federal and non-Federal). Community involvement is critical to the success of the center and Board membership is a good place to begin to generate that support. In addition community representation adds balance to a Board that has parent representation. Parents who are members of the Board need to be clear about their responsibility to make decisions for the good of the group rather than for the good of their individual children. Parents typically enroll children in a child care center for approximately two or three years. This short-term involvement with the center can tend to work against maintaining the continuity of the Board, whose membership should have a long-term commitment to the success of the center. Continuity, critical for children's care, is also critical to operating a well-functioning center. Board members with long-term commitment can provide continuous history of the center and background on various issues to new Board members. Community involvement will also help assure the long-term commitment of some Board members.



**Can I use official time for board meetings and activities?**

Generally time serving on the board is considered on your own time. However, some agencies will approve administrative leave, check with your agency for specifics.

Center directors should be invited to attend meetings to keep Board members abreast of current happenings in the center. **Best practice is to have the Center Director as a non-voting member of the Board.**

A range of talents and skills on the Board will assure the Board keeps abreast of demographic trends, legislation and issues that impact the child care industry. In multi-tenanted buildings or centers across a Federal community Board membership should also reflect multiple agency representation.

## **Board Recruitment**

Clear expectations of service must be developed prior to recruiting members. How well these are communicated will also help determine the success of the Board. Expectations should include time commitment, nature of the work and the Board's agenda. Board recruitment is successful if the center has gained a reputation for quality and has maintained visibility in the agency and or the community. In addition recruitment is successful if it is commonly known that Board membership does not require an inordinate amount of time, or excessive time away from regular duties. Finding the "right" person with the particular skills the Board is seeking is far more important than simply filling a vacancy. At times a Board opening should remain vacant while the search for the right Board member goes on.

For Federal employees who serve on a board, ensure you comply with federal ethics laws. For guidance on the most recent ethics laws, Federal employees should contact their agency ethics officers.

#### Ethical Conduct

Refer to statues 205, 208 for requirements for Federal employees to adhere to standards of ethical conduct for employees of the executive branch. The most relevant provisions are title 18, sections 205 and 208 of the U.S. Code.

# Chapter 2

## ROLES AND RESPONSIBILITIES

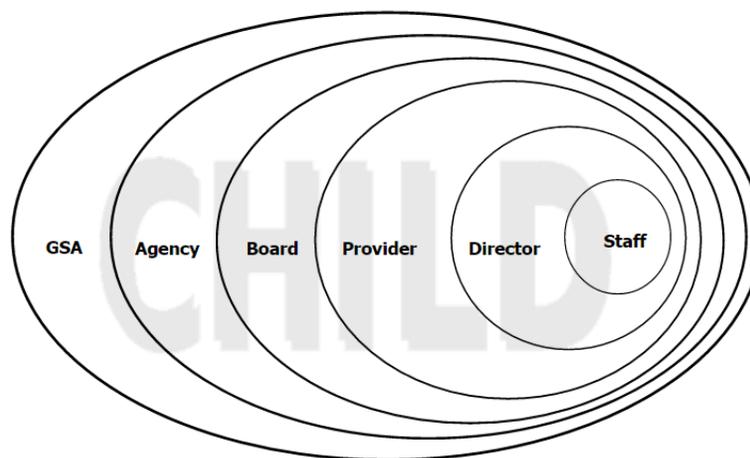


Figure 2.1 Diagram of Child Care Stakeholder Relationships

Federal child care centers which operate in GSA- controlled space function under the guidance and oversight of several entities. In order to have a successful center all parties must share a clear understanding of their role. **As illustrated Diagram 2.1, all decisions made by these various entities should be made considering the well-being of the end-users; the children and families.**

**GSA:** Sets policy for the child care program nationwide; provides finished space, services, utilities, and equipment to the centers; provides background checks on child care staff, collects data sets and oversees quality standards through the license agreement and provides training opportunities and materials for boards, agencies and providers, signs a GSA revocable license agreement with the Provider or Board to occupy federal owned or leased space.

**FEDERAL AGENCIES:** Sponsor the center for their employees; pay rent for the space; may designate non-voting board liaisons and nominate employees to serve on the Board; may allocate resources (recycling funds, tuition assistance); and may provide space for fundraising activities.

**BOARD OF DIRECTORS:** Work with providers to develop and implement a plan to

provide affordable child care to federal employees and others in the local commuting area. Specific tasks: selects and contracts with the provider; supports the program; fund-raises and administers a tuition assistance program; markets the center; sets enrollment policies that comply with the Tribble Amendment; serves as a liaison between the government, the provider and parents; monitors center goals and contract compliance; and evaluates Board effectiveness.

PROVIDER: Operates an accessible, high quality, state licensed and NAEYC accredited center which includes: hiring and training staff; establishing and implementing curriculum; setting and collecting fees; maintaining liability insurance; marketing the program and complying with state and local licensing requirements and requirements in the GSA license agreement.

STATE/LOCAL LICENSING AUTHORITIES: Set the minimum quality standards for child care centers, investigate compliance complaints; and inspect the centers, including health, program and fire safety inspections.

## **Responsibilities of GSA**

The primary mission of the GSA Child Care Program is to ensure that federal and community families receive high quality, child care in centers located in GSA managed space. Over the years, the program has developed to include the provision of services and equipment on an ongoing basis to the centers (identified in the Child Care Center Design Guide PBS-140). The day to day facility maintenance support of the center is provided by the GSA property manager, either directly, through delegation agreements, or through lease contracts.

GSA has statutory responsibility for the provision of child care in its physical space. As noted before, there are many partners necessary for the successful delivery of care in the GSA system. The specific working relationship between GSA and the Nonprofit Board should be formalized in a Memorandum of Understanding (MOU) and/or the license agreement. The responsibilities of the child care provider are formalized in the contract between the Board and the provider. The requirements that the provider must adhere to in order to occupy the space provided by the Government are documented in the license agreement. These documents serve as the road map to keep the center on track when questions arise. A change of physical space and/or a change of provider require the review and approval of the GSA Child Care Program Manager.

Responsibilities of the GSA Child Care Program Managers

- Provide assistance to organizing committees interested in pursuing child care as an option for their employee base
- Evaluate needs assessments and market surveys that agencies may have conducted on the feasibility of child care programs within their building, city and surrounding areas
- Determine location of suitable space within the GSA inventory
- Provide technical assistance in the design, construction and development of the facility
- Provide assistance to Boards in start-up and offer periodic Board training and technical assistance
- Guide Boards in soliciting and selecting appropriate and qualified providers to operate centers
- Negotiate Special Conditions to GSA Licensing Agreements with Boards and /or providers for utilization of the space
- Issue and monitor compliance with the GSA Licensing Agreement
- Purchase and maintain all major equipment and furnishings for center operations (in delegated locations this may be the responsibility of the agency)
- Interface with GSA or Agency property managers to ensure the center and outdoor play area are maintained in a manner that provides for a safe and healthy environment
- Contract with professionals in the field to conduct center program reviews, health practices assessments and playground inspections
- Collect statistical information and other data for GSA's Office of Child Care
- Coordinate safety inspections made by GSA's Safety Division and the Federal Protective Service, DHS

## **Responsibilities of the Child Care Provider**

The child care provider is directly responsible for the day to day operations of the center. Parents contract directly with the child care provider for services. It is the provider who is legally and financially responsible for managing the business. All decisions and responsibilities with respect to program, enrollment, fees, tuition, hiring, salaries, policy making, and any and all aspects of the operation and conduct of the center's business remain the exclusive right and responsibility of the child care provider. The following highlights key responsibilities of the provider:

- Provide quality child care services to the families
- Set the budget, including the fee structure, within the parameters of the contract with the Board, and provides the required financial reports to the Board and GSA.

- Run a high quality program, state licensed and NAEYC accredited
- Set child care center operating policies based on developmentally appropriate practice, industry accepted health and safety practices, and best practices in early childhood education.
- Hire and train staff
- Market the program
- Keep abreast of trends and research in the field
- Keep aware of funding streams in the local area
- Keep Board informed regarding center issues
- Manage the waitlist, ensuring that it complies with the policies and is a true reflection of the demand for the center

## Responsibilities of the Board

The mission of the board is to ensure that a stable, high-quality child care program is available to all Federal families who wish to participate.

The Board has a responsibility for ensuring that the Special Conditions to the GSA Licensing Agreement are followed in the contract and the operation of the center, thus providing a commitment and responsibility to quality and affordability, supported by a tuition assistance program.

There are legal responsibilities and liabilities of incorporated boards. One of the first steps for a start-up committee is to obtain the appropriate documents from the state’s “Secretary of State” or office that handles nonprofit incorporation. The basic instrument that creates the corporation is called the Articles of Incorporation or the Certificate of Incorporation, which is a legal document. By-laws are the rules and regulations enacted by the Board to govern its own actions. Unlike the Articles of Incorporation, the By-laws are usually not filed in any public office, but they must be consistent with the Articles of Incorporation, which are on file. The Board also can be granted tax-exempt status by filing the necessary paperwork with the Internal Revenue Service (IRS).

**See Chapter 5:  
Fundraising and  
Tuition  
Assistance for  
information on  
nonprofit status  
and fundraising  
in Federal  
buildings.**

There are **legal responsibilities** of an incorporated board. The activities of a Non-profit Board of Directors can generally be categorized in terms of three basic duties:

1. **Duty of Obedience:** mission, laws, by-laws, the MOU with GSA, the Contract

with the Provider, and the GSA License Agreement

2. **Duty of Care:** attend meetings, contribute skills and talents, do the work, ask questions, and record-keeping

3. **Duty of Loyalty:** do what is best for all children in the center, not just their child, through no hidden agenda, common goals, confidentiality, and loyalty to the Board and Center as a whole.

For more information see source: National Council of Non-profits webpage

<https://www.councilofnonprofits.org/tools-resources/board-roles-and-responsibilities>

The following summarizes critical responsibilities of the Board:

- Ensure and support the long-term viability of the center
- Uphold the contract with the Provider.
- Raise scholarship funds
- Administer a tuition assistance program
- Serve as a liaison between the provider, the families and the sponsoring agency / federal community.
- Keep programs and services consistent with the designated Board purpose
- Solicit, advertise and contract for a child care provider
- Ensure child care services are in compliance with the Special Conditions of the GSA Licensing Agreement
- Work cooperatively with GSA to ensure high quality, affordable child care and all other aspects of the child care delivery system
- Establish a conflict resolution process, Act as a “Court of Appeals” as a last resort when conflict arises and when all other avenues have been pursued.
- Approves global policies for the center, including operating hours, waitlist and enrollment priorities consistent with the Tribe Amendment.
- Market the center to prospective parents
- Publicize the center and achievements
- Actively seek future Board members to ensure Board stability and continuity
- Review and assess Board performance
- Attend training as necessary
- Anticipate and respond to periodic GSA data requests

Two of the most important responsibilities of the Board, Fundraising and Tuition Assistance, are discussed in Chapter 9. Fundraising and Tuition Assistance should be addressed in a board's bylaws, to underscore the importance of these tasks and give potential Board members an understanding of the scope of activities involved in fundraising and tuition assistance programs for the center.

### **Responsibilities in Depth:**

- Ensure and support the long-term viability of the center: The board should create long and short term plans for the child care center that include, marketing, financial projections, fundraising, tuition assistance, positive relationships with the federal agency(ies) and the community, and the assessment of the need for new programs.
- Uphold the Board/Provider Contract: Work with the provider to ensure compliance with the terms of the contract between the Board and the Provider. Set mutual clear, measurable expectations and timelines for how the contract will be executed.
- Raise scholarship funds: To ensure that a diverse population of children of all socio-economic backgrounds can attend the child care center. Use these funds to administer a tuition assistance program that helps maintain robust federal utilization and high center enrollment.
- Serve as a liaison between the provider, the families and the sponsoring agency or federal community: Work with the local Federal Executive Board (FEB) to share information on the center. Share information and trends from the FEB with the provider.
- Keep programs and services consistent with the designated Board purpose: Review child care offerings to ensure that the federal and community needs are being fulfilled and that the child care center operations are feasible.
- Solicit, advertise and contract for a child care provider: The Board, with guidance and approval from GSA, advertises and solicits for a new child care provider when needed. The board creates an advertisement for a business opportunity. This announcement must be widely shared in places such as a local newspaper or other relevant publications or electronic forums. The Board also issues Requests for Proposals and reviews and evaluates proposals to select a new provider. (See Chapter 8. SELECTING A CHILD CARE PROVIDER for more information.)

- Act as a “Court of Appeals”: There is a role for the board in conflict resolution but within formal protocols that have been established up front. Formal conflict resolution protocols identifying the Board of Directors should be part of the parent policies and be identified in the parent handbook.
- Set waitlist and enrollment priorities: In compliance with the Tribble Amendment, Federal families always have priority in enrollment in the center and on the waitlist. The board should work with the provider to ensure that the waitlist is transparent and confidential. (Sub categories of Federal priority can be possible depending on center sponsorship.)
- Market the center to prospective parents, the Federal Community, and surrounding Community: The Board should work with the provider to develop a marketing plan for the center. This plan should ensure that center specific information and marketing materials are developed and disseminated throughout the community and to the local Federal agencies. Where applicable, work with the local Federal Executive Board (FEB) to market and share information on the center. Share information and trends from the FEB with the provider.
- Publicize the center and achievements: Through press releases, social media, announcements, and newsletters, the board disseminates information regarding achievements, contributions to the public good, annual reports, and describes how gifts, grants and other resources are allocated.
- Actively seek future Board members to ensure Board stability and continuity:
- Review and assess Board performance: At least every three years the Board should take the time to review how the board is achieving its mission and responsibilities. This should be a time to strengthen membership composition, selection process, structure, and overall performance.
- Attend training as necessary: The board should request training from GSA or other entities, participate in the GSA Board Network calls, and seek training online and within your community.

## Board and Provider Relationship

The Board and provider have separate and distinct roles to play in the provision of care. The Board's role is not to manage an organization but rather to create a vision for the center. **The day to day management of the center belongs to the provider.** The Board and the provider will have a contractual relationship, not an employee-employer relationship. All agreements should be formalized in a written document which is the document that provides direction when questions arise.

The Board/provider relationship needs to be viewed as a working partnership. This partnership will be effective when there are:

- common expectations
- cooperative planning
- cooperative evaluation
- open and honest communication
- respect for each other's roles and responsibilities

One of the first things the Board and provider need to agree upon are the boundaries of their responsibilities. It is imperative to have a clear policy for the handling of parental complaints and dispute resolution. This policy is established in collaboration with the provider and should be formal and part of the parent and staff handbooks and posted in the center.

It may be helpful to participate in clarification of roles by looking at a particular issue and laying out each party's role in the issue using a model process. For example: A Board member who has a child in the center is approached by another parent with the complaint that her child has been bitten more than once and the Board needs to take some action.

### ***Issue: Biting***

*Classroom Team: has primary responsibility, implement the biting strategies the center has developed, make the incident report, discuss incident with both sets of parents*

*Director: advise/train the staff, make sure biting policy and efforts are effective, and communicate with parents if necessary*

*Provider: makes sure there is an effective biting policy articulated in writing*

*based on sound developmental principles, makes sure policy is practiced, and communicates with parents if needed. Parent complaint stops at this point.*

*Board: refers parent back to provider on this issue, talks to provider to make sure biting policy is implemented, ensures dispute policy is part of parent handbook. In a board run center, it would be the director's role to act as the director and provider.*

*Agency: has no role in this issue*

*GSA: has no role, could advise board to establish parental dispute policy if none exists, could share with provider best practices on biting policies if needed*

# Chapter 3

## COST, QUALITY AND AFFORDABILITY

“Anyone with more than a passing acquaintance with child care in the United States has confronted what many in the profession call the ‘trilemma’. Briefly characterized, the trilemma means that parents cannot afford to pay what good early care and education costs, child care providers cannot earn enough money to live on and children cannot get the quality of care they deserve.”<sup>1</sup>

Child care is very labor intensive. Staff costs in a quality child care center typically make up 80%<sup>2</sup> of a budget, with most caregivers still earning less than a GS 5 level salary.

In non-GSA centers, center space costs are typically between 5% and 25% of a child care center’s budget. The lower end reflects centers that receive free or subsidized space. The high end reflects suburban centers where facilities have been built. When GSA first opened child care facilities in our space we believed that if we provided the facility (the equivalent of as much as 25% of a center’s budget) we would see a reduction in fees of equal measure. This belief was based on the erroneous assumption that most child care available in the marketplace was of high quality. Subsequently we learned that this was not the case. In general the existing child care market was not providing the high quality care and learning environments we require in our centers, as evidenced by the fact that less than 10%<sup>3</sup> of the child care centers in the US are NAEYC accredited, but all of the GSA Child Care Centers are required to be NAEYC accredited.

Since the subsidy provided by free space and equipment is not enough to provide for both high quality programs and subsidized low tuition costs for parents we have focused our space subsidy on improved quality and tasked the Boards to provide fundraising for tuition assistance, not only to keep child care affordable, but also so child care can be offered to federal employees in lower GS positions.

In 1995 a long awaited research study was published: “The Cost Quality and Child Outcomes in Child Care Centers” by Suzanne Helburn and Mary Culkin from the

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<sup>1</sup> “Finding Funding: Sources of Resources for Child Care,” by John Surr. Handbook on Quality Child Care for Young Children, Settings, Standards, and Resources, edited by Carol Ann Baglin and Michael Bender.

<sup>2</sup> *The Business of Child Care: Management and Financial Strategies* by Gail Jack, Thomson / Delmar Learning, 2005.

<sup>3</sup> [www.naeyc.org](http://www.naeyc.org)

University of Colorado at Denver, Carolle Howes from UCLA, Sharon Kagan from Yale University and Richard Clifford from the University of North Carolina.

Some key findings include:

- Child care in most centers in the United States is poor to mediocre. The level of quality in most centers does not meet children's needs for health, safety, warm relationships and learning. Only one in seven centers was rated as developmentally appropriate.
- Key determinants in the provision of high quality care are staff to child ratios, staff education and administrators' prior experience. The most significant determinant of quality was found to be staff-to-child ratios. In addition center quality was found to increase as the percentage of staff with a high level of education increases and as the prior experience of the administrator increases. Centers providing the lowest quality of care were found to have teachers who were paid the lowest wage, had the least education and received the least specialized training.
- States with more demanding licensing standards have fewer poor quality centers.
- Highest quality was found in centers that have access to extra resources to improve quality.
- Centers that do not have to depend solely on parent fees are able to provide the highest quality care.
- Good quality services cost more, but not a lot more. The difference between mediocre quality care and good quality care was about 10%. The provision of excellent quality care requires a much greater increase in costs.
- Quality of service is not significantly different between for profit and nonprofit sectors.
- Parents tend to overestimate the quality of care their children are receiving. While parents say they value the quality of care their children receive, they tend to be ineffective in evaluating quality. Ninety percent of parents rated the quality of the services their children receive as very good, while the ratings of trained observers indicate that most of those same programs are providing care that ranges from inadequate to mediocre. The inability of parents to recognize good quality care implies that they do not demand it. Thus centers dependent on parent fees have little or no incentive to provide a higher level of quality at a higher cost.
- Inadequate public subsidies lower the demand for good quality child care. Government purchasing practices often fail to contribute to raising the level of quality. When government agencies impose low payments through low funding caps and reimbursement rates when purchasing care for low income children,

they too contribute to lowering the demand for good quality child care.

Unfortunately the findings of this study still apply today. Nationwide the number of centers accredited as quality programs by the National Association for the Education of Young Children (NAEYC) remains less than 10%. In GSA centers achieving accreditation remains a key goal of the Board.

It is essential that the Board recognizes the relationship between staff salaries, tuition rates and quality programs and develops key strategies to balance these competing needs. The Board should also be able to explain these costs and the reasons for them. Even as federal agencies are legally authorized to provide space and equipment support, child care centers must rely on parent fees and other external funds to pay for quality programs

Knowing the cost of high quality care is too high for many families to pay, the Nonprofit Board must assume the responsibility for fundraising and tuition assistance programs. Active fundraising is a significant component of a Board's responsibility to insure equitable salaries for staff and tuition subsidies for lower graded federal employees.

# Chapter 4

## SELECTING A CHILD CARE PROVIDER

The process of advertising for and selecting a child care provider can be a challenge. The following are some suggestions and recommendations for making the RFP (Request for Proposals) process effective and successful.

The Board of Directors should have criteria for evaluation of a provider in hand before undertaking the search. Listed below are key factors that influence the operation of a child development center and quality of care. These factors have to be considered not only in the selection process but in the construction of the RFP, the wording and placement of the advertisements and the interviews.

The Board must decide which of these factors are most critical and which may have secondary priority for selection. GSA requires centers to become accredited and experience in the professional accreditation process is one of the criteria on which providers must be evaluated. Best practice for Board members is to acquire more background for decisions concerning many aspects of the basic child care program (e.g., written curriculum, ratios). Reading materials published by the National Association for the Education of Young Children (NAEYC, [www.naeyc.org](http://www.naeyc.org)) on accreditation and child development are recommended.

Important criteria include:

- Ability to meet the Special Conditions of the GSA Revocable License Agreement
- Philosophy of child care
- Experience at providing worksite care vs. community care
- Financial history, projected expense budget, projected tuition/fees for this center
- Experience in the national accreditation process under the auspices of the National Association for the Education of Young Children
- Written description of the program, program goals and curriculum
- Programmed schedule of activities for each age group
- Intended adult/child ratios and group sizes
- Personnel policies: including but not limited to staff supervision; probationary period; staff training; career development, pay scale, employee holiday/vacation/sick leave benefits; health insurance; experience and education required for director, for lead teachers, for assistant teachers
- Nutritional program – Food Service

- Child health policies: including requirements for physical examinations and immunizations by health professionals and criteria for exclusion from the child care center due to sickness
- Staff training policies: including but not limited to infant/child CPR, first aid, health and safety issues; center philosophy, policies, and procedures, curriculum training
- Vision of the provider/center/parent relationship, especially as this concerns general parent involvement, parent handbook and a parent advisory committee or parent council
- Vision of the provider/board relationship
- Plan for ongoing written communications with staff and parents e.g., newsletters
- Marketing plan

Additional criteria can be added to this list given particular circumstances of the child care center and its location.

The most effective means of conducting a search for a provider is to establish and maintain an outline of items to be accomplished. Each item is listed in the sequence in which it “should” occur and specific timelines must be established. Your GSA Program Manager is available for technical assistance throughout the process. Tasks to be addressed in searching for a provider for a new center are:

- 1) Write a solicitation/advertisement for a child care provider. (See APPENDIX I for an example)
- 2) Establish a deadline for receipt of all proposals
- 3) Establish a list of national and local providers from which to solicit services. Two ways to develop this list are to (1) include all the child care centers in your area which have been accredited by NAEYC, and (2) ask your GSA Regional Child Care Coordinator for a list of providers who have been or are in centers in GSA controlled space who have achieved NAEYC accreditation
- 4) Send a letter of interest to those providers
- 5) Place an advertisement in local, regional newspapers, and trade journals to maximize competition and open opportunity
- 6) Conduct a pre-bid conference and tour of the center
- 7) Make provider selection (which may involve negotiating with the top two or three providers)

- 8) Finalize contract with selected provider
- 9) Announce selected provider
- 10) Notify unsuccessful providers
- 11) Begin marketing
- 12) Center Opening per the timeline agreed upon between Board, GSA and Provider

## **Provider Turnover**

Child care, unlike other typical government services, does not benefit from turnover or a “Let’s see what else is out there” in the market reference. In child care, continuity of care is highly desired and typically results in better outcomes for the children. There can be good reasons to seek a new provider. If a provider cannot deliver and/or does not share the Board’s and GSA’s vision for a high quality program (demonstrated at a minimum by compliance with the Special Conditions to the GSA License and NAEYC accreditation) then certainly a change may be in order.

When concerned about the provider’s ability to operate a quality program, the Board should support the provider in remediating the concerns before considering a change of provider. If the concerns cannot be resolved, the Board should investigate the following before initiating a provider change:

- Market rate tuition survey (of NAEYC accredited centers)
- Potential providers survey
- Comprehensive and realistic financial analysis of operating a child care center in your market

GSA Program Managers will provide technical assistance and direction in working through the steps of provider selection. Because GSA has statutory responsibility for the provision of child care, the GSA Program Manger must review and approve the decision to replace a provider.

Please note that the goal of the process is to provide continuous quality care to families. When considering the timeline of the change, centers should not be required to close unless necessary and then only for a day or two. Little to no disruption to children and families is the GSA standard practice.

# Chapter 5

## FUNDRAISING AND TUITION ASSISTANCE

The primary reason for raising funds beyond those needed for the administrative functioning of the Board itself is to support a tuition assistance program. The need for a tuition assistance program is explicit in the Special Conditions to the Licensing Agreement. (See APPENDIX F) The Special Conditions address the need for “a tuition assistance program for families in economic need shall be established through a nonprofit organization.” The Federal Government is committed to ensuring that all employees have the opportunity to send their children to child care centers in GSA space.

The Nonprofit Board of Directors, after qualifying for tax-exempt status is the organization most suitable for establishing and administering the tuition assistance program. Tuition assistance funds raised by the Board should be kept in a separate account and not be comingled with center operating funds. While other groups may raise additional funds for tuition assistance purposes, it is the ultimate responsibility of the Board to ensure that a tuition assistance program exists.

There are a number of restrictions on generating and conducting fundraising activities. Generally, those involving gambling (e.g., lotteries, pools, and raffles) and alcohol may not be conducted on federal property. Tickets for gambling events may be sold elsewhere, but soliciting (selling tickets) is not allowed by the federal employee while on the job or in Federal facilities.

Fundraising by e-mail using federal government equipment and software is also against most agencies regulations. Individuals and groups should check with the agency’s ethics or counsel’s office concerning the use of government equipment for private purposes. The Nonprofit Board of Directors is a private organization.

GSA obtained a waiver from the Office of Personnel Management (OPM) to enable child care centers to conduct fundraisers on Federal Property at times other than the official Combined Federal Campaign. Many fundraising activities can be conducted by the Nonprofit Board of Directors on federal property: e.g., art auctions, employee fairs, sports tournaments, walk/run events, T-shirt sales, and bake sales. Use of federal property usually requires permission through the building manager, in many cases

requiring a permit (GSA Form 3453).

The waiver and permit are detailed in APPENDIX E, a fundraising guide. Activity suggestions are also included.

## **Sources and Uses of Board Funds**

Any funds the Board raises or receives belong to the Board and must be used to fulfill the Board's mission. The Board can use these funds to pay for basic administrative functions of the Board, for example: mailings, insurance, dues, fees etc., although the main effort of the Board's fundraising should be for tuition assistance. As a legally incorporated entity the Board must not discriminate in the distribution of its tuition assistance funds and Federal employees and non-federal employees may be eligible for the Center's tuition assistance program. The Board, however, must use their funds pursuant to the terms for which they were raised or received. If there are conditions attached to funds the conditions must be honored. For example, recycling funds obtained from an agency are to be directed for tuition assistance for Federal employees. Consequently, those funds are to be used for tuition assistance for Federal employees only. Funds obtained from grants, bake sales or other similar types of fundraisers, however, may be used for tuition assistance for all center families. Combined Federal Campaign (CFC) funds received should be used for the purpose stated in the application to participate in the Combined Federal Campaign. The CFC can be a substantial source of funds for tuition assistance. Contact your local CFC to learn your centers deadline for application.

The Nonprofit Board might consider networking with others who will specifically teach the members how to do fundraising and suggest various events that work well in the geographic area. Note that there are many resources on the web for fundraising. The Board should be able to develop effective strategies without hiring outside help and should look to recruit and place a member on the board who is experienced at fundraising.

Grant writing, a source of funds for tuition assistance but more particularly for other program needs such as staff training, requires extensive "how to" guidance, and is often specific to a particular private foundation or state requirement. The internet and public libraries usually have information, books and pamphlets on grant making organizations and grant writing in their holdings. Typically, it has been the Provider who has successfully applied for a grant, not the Board.

Recycling funds can be a source of funding in some parts of the country. The authority

for use of these funds for child care has been codified in U.S. Code 40 Section 592 (e).

Section 607 of Public Law 106-58, authorizes all Federal agencies to use the proceeds from the sale of recycled materials to support “employee programs”. Designating funds to a Board’s tuition assistance program is an authorized use of these funds. A Non-Federal Board member may contact the sponsoring agency about the possibility of receiving recycling funds, and recycling funds can only be used for scholarships for children from federally employed families.

## **Tuition Assistance Programs**

With the passage of Public Law 107-67 in 2001 authority was made permanent for the use of appropriated funds by executive agencies to provide child care tuition assistance for lower income federal civilian employees. Each agency sets its own standards and program. OPM has issued regulations on the law’s implementation. While the majority of agencies have not yet instituted this program for their employees, the Board should check with each sponsoring agency of their center and determine which agencies have a program. Go to OPM’s website for more information on child care subsidies for Federal employees:

<https://www.opm.gov/policy-data-oversight/worklife/dependent-care/#url=Child-Care-Subsidy>

For information on military child care subsidies, go to Child Care Aware website: <http://usa.childcareaware.org/military-programs/military-families/>

Eligibility questions should be directed to: 1-800-424-2246 or via the website.

Federal families at the very lowest grade levels may also qualify for local community vouchers. These programs are usually administered at the county level.

These two subsidy programs are mentioned here as they are important to the Board in helping them recruit “Federal” participation to fill their center and meet the 50% requirement for federal participation per center.

## **Administration of the Board’s Tuition Assistance Program**

The Board should act as a tuition assistance office similar to the tuition assistance programs available at the university level. The Board must be familiar with all the programs available in their area and put together a number of strategies for the

participating families. Even if your sponsoring agency runs a tuition assistance program, many families will not qualify as low income but may still need assistance in order to afford high quality child care. It is the Board's responsibility to fill this gap and assist these families. The tuition assistance program can be set up in a variety of ways. GSA does not specify or recommend any particular program format or formula for distributing funds to the families of individual children. In general, the determining factor in most formulas is total family income. (See appendix K Tuition Assistance Guide, for more information).

# Chapter 6

## MARKETING THE CENTER AND PROGRAM

Marketing is a responsibility of the child care provider as well as of the Board; how much of a responsibility depends on how this is addressed in the contract between the Board and the provider. Keeping the center fully enrolled (90% utilization) is essential. At least 50% of the enrollees must come from federal families, a requirement under 40 U.S. Code 590 (commonly known as the Tribble Amendment) as well as the GSA License for use of Space. Utilization of the centers is tracked quarterly by GSA. Building and maintaining child care centers is a costly commitment by the sponsoring agencies and there is an expectation that the centers are needed and should be fully enrolled. Centers that have less than 50% federal utilization are required to create and implement a marketing plan which is collected and reviewed by GSA.

Marketing is the overall strategy for selling the service the center has to offer -- quality child care and developmental opportunities. The specifics may vary but the basic idea is to make the center and its services known to parents and employers, both federal and non-federal, in a way that will draw the parent to the particular center that the Board oversees. The objective of marketing is to increase and stabilize enrollment.

To do this, it is important to use every form of communication available. Bringing the center and its programs to the attention of parents is best accomplished by using a multiple media approach. Providing potential enrollees with pictures about the center, information on specific events and specific boosters are just a few examples of how information can be shared. The best communications, of course, are through parents satisfied with the service.

When a new center is marketed, the Board and the provider should make every effort to emulate other businesses: determine who and where the clients are and contact them through direct and general mailings and through posters/flyers. Bringing parents into the center, which provides an opportunity to experience quality child care, to see the facility and to meet the director and staff is one of the best ongoing marketing strategies.

A marketing strategy for an ongoing center involves much of what has been mentioned above but there can be somewhat different emphases. For instance, a focus on age groups for which there are open slots, emphasizing the advantages of that particular program, may be desirable.

Even though it appears that the Federal center serves a captive audience and families will automatically come to your door, you must make an effort to market to the Federal community. Your first step will be to get to know your Federal market and what they perceive they need.

Understanding your Federal market requires knowing which agencies are housed along with you in the same and neighboring facilities. Your GSA building management contact or Child Care Program Manager can provide you with a list of the agency contacts. The Board and child care provider should use these contacts to find the appropriate agency liaisons to help market the center. Military personnel including Recruiters, ROTC, Reserves and National Guard members of all services and DOD Civilians are counted as federal in utilization. Their participation will add to your federal utilization numbers. If there is a question about whether or not an agency is federal, you can check it here: <http://www.usa.gov/directory/federal/>

Every personnel office of each agency in your building and the surrounding buildings should have information and brochures on your program that is shared with new employees. Remind the agency that the center is there to serve as an employee benefit and help them recruit and retain their key employees. An OPM Cost Benefit Analysis Report: Federal Child Care Programs (2015) supports the benefits of quality child care centers. OPM research found statistically significant results that participation in Federal child care programs has positive effects on job satisfaction and employee engagement as measured in the Employee Viewpoint Survey. Compared to employees who participate in the programs but are not satisfied, employees who are satisfied with the programs feel 8-10 points more engaged. This suggests the importance of not only increasing enrollment, but also the need to improve the quality of the programs.

Most large cities have a Federal Executive Board (FEB) or Federal Executive Association (FEA). In some cities these Boards are very active and can provide you with a single person with which you can provide information and carry your message to the Federal community. You should position the center as the local expert on early education and child development. An annual presentation to the FEB or FEA is a good idea. You can find information on specific FEB's on the internet: <https://www.feb.gov/> Your GSA building contact should also be able to provide you with the FEB contact.

Keeping the center in the spotlight in a positive way is a proven strategy. You can ask about a permanent "art display" area in the building. If that is not possible an exhibit or display should be planned every year for "Week of the Young Child". Information on this event is available on the NAEYC web site: <http://www.naeyc.org> and do not forget to take advantage of opportunities to participate in agency and building special events,

such as Earth Day, health fairs, etc.

You should also find out which agencies run employee newsletters and submit articles about the center or generic child development topics. This will keep positive attention focused on the center. Ask the GSA building contact about a building wide newsletter and submit as many articles and pictures as possible.

As you work on your marketing plan and analyze your federal market do not forget to analyze your program. A good vehicle for this is the NAEYC Annual Family and Staff Surveys, which the providers are doing as part of accreditation. The provider should be sharing the results of these surveys with the Boards. In addition being aware of online reviews and reputations is also important in being in touch with your program. This analysis is very important and will dictate marketing strategies as much as your analysis of federal customers.

An important part of the center's comprehensive marketing strategy must be marketing the availability of tuition assistance. This will attract families who view the posted rates as too high for them. When a center that provides quality child care is recognized through positive comments by satisfied families and through various marketing strategies, fundraising will also become easier. Potential donors will be familiar with the operation and know it to be a worthy cause for their tax-deductible dollars.

# Chapter 7

## COMMON CHALLENGES

While every Board and center has their unique qualities and must establish their own vision, the work of all the Boards is similar. Through the years we have encountered a number of common and recurring issues from which all Boards can learn.

### **Board Recruitment**

Watch out for volunteers who come with an agenda. Someone who wants to “fix” something about the center or their child’s classroom is not a good fit. Board members have to be driven by the mission of the organization not an individual agenda. Discretion and confidentiality are essential.

### **Mature Boards**

The organization just seems to be going through the motions with no energy; the center seems to be marching along just fine without any Board involvement. Every organization matures. It is important to try and keep the Board energized and engaged. New members are an important part of the Board. Keep the mission and vision at the forefront. Don’t forget what, for whom and why you exist.

### **Budget**

Most contracts call for Board review of the center’s operating budget and tuition increases. If there is a time for disconnect and discord between the provider and Board, this is it. Keep in mind that the Board’s goal should not be to keep tuition low at the expense of quality child care, staff salaries, or financial viability of the program. The Board must be driven by its mission: to ensure high quality child care is available.

### **Rate Increases**

The Board should expect rate increases. The staff deserve raises and typically a significant portion of the tuition increase goes to staff cost of living needs. Remember

that typically 80%<sup>4</sup> of the budget in a high quality child care program goes for staff salaries and benefits, and that a high quality staff is a top factor in providing high quality child care. It is a mistake not to raise rates for consecutive years. This often leads to a financial crisis and then a forced large tuition increase all at once. Know the local child care market but only compare like quality programs. If your center pays better salaries and benefits than others and has higher teacher qualifications, then so much the better. The Board will have to be creative in maintaining high standards without pricing everyone out of the center.

Know the center's historical, typical and projected enrollment. Most centers' finances, excluding rent and utilities, run almost exclusively on parent fees. Budgets should not be based on 100% enrollment. Typically budgets are based on 85% enrollment but it is imperative to know your enrollment history. One center uses 92% enrollment for budgeting. This is very tight but this center typically keeps all of their spaces full almost every day throughout the year. If this year proves to be an exception and a number of slots are unfilled for any length of time their finances could be in trouble. Realistic budgets are important for center stability. When enrollment exceeds expectation is where you'll find your "profit" for the year.

## **Communication**

Effective communication is the key to a successful Board, so developing a communication plan with the Provider is important. The communication plan should define what needs to be communicated, how, and with whom it should be shared. If the Board is mostly non-parents and there is a separate parent committee (PAC, PTA, etc.) for the center, it would also be good to include a member of that group on the Board to act as a liaison between the two groups.

## **Change of Provider**

One of the most difficult times for a center is when there is a change of provider. Frequent and positive communication, along with appropriate discretion, is critical. The child care business is very personal and very emotional for families and staff alike. Rumor and gossip are common and destructive to a center and the Board must work to avoid getting in a toxic situation. A Board with a reputation for being difficult to work with or over involved in the day to day operations will find it difficult to attract new providers, director, and parents. A change of provider needs to be a mutual decision between the Child Care Program Manager, the agency and the Board.

The Board must communicate as much as possible and as soon as possible to staff and

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<sup>4</sup> *The Business of Child Care: Management and Financial Strategies* by Gail Jack, Thomson / Delmar Learning, 2005.

parents.

Rationale, plans and schedules must be shared in writing and in group meetings. The new provider must also communicate with parents and staff. The new provider should not be placed in a position to explain the change but rather they need to lay out their plans and programs. The Board must communicate the rationale for the change. If the previous provider left for financial reasons that should be made clear. Sharing the reasoning and the experiences in finding a new provider will do much to diffuse complaints about changes and rate increases.

Although there are challenges for child care center boards, there are many rewards and benefits for Board members. Successful boards have the opportunity to make a positive impact for children, parents and the child care center.

# Chapter 8

## USING AVAILABLE RESOURCES

Knowing what is available and where to find help will save the Board time and effort in their work. Many excellent resources have become available through the Internet. If you cannot access the Internet at work or at home then try your public library.

Your most important local resource for information will be the local Child Care Resource and Referral Agency or CCR&R. This is an organization whose mission is to know the local child care market, “do whatever it takes to make child care work for families and communities” thus they can facilitate in identifying providers, training opportunities, funding streams and current issues/events in your area. You can find your CCR&R by looking by doing an internet search for Child Care Referral Services in your area or by using the following website: <http://www.childcareaware.org/resources/map/>

The following resources have good information and publications that can be downloaded or purchased.

### Websites

- GSA Child Care  
[www.gsa.gov/childcare](http://www.gsa.gov/childcare)
- The National Association for the Education of Young Children (NAEYC)  
[www.naeyc.org](http://www.naeyc.org)
- The National Resource Center for Health and Safety in Child Care  
<http://nrckids.org>
- Early Childhood Training and Technical Assistance System  
<https://childcareta.acf.hhs.gov/>
- Child Care Aware  
<http://childcareaware.org/>
- Board Source  
<http://www.boardsource.org>

- The Foundation Center  
<http://foundationcenter.org/>
- The Nonprofit Resource Center's Complete Guide to Internet Resources for Nonprofits  
<http://www.not-for-profit.org>
- Nonprofit Center Network  
<http://www.nonprofitcenters.org/>
- Eco-Healthy Child Care  
<http://www.cehn.org/our-work/eco-healthy-child-care/>
- Let's Move Child Care  
<https://healthykidshealthyfuture.org/>

## **Publications:**

- NAEYC Early Childhood Program Standards and Accreditation Criteria (the latest edition). NAEYC 1834 Connecticut Avenue, N.W. Washington, DC 20009 (800) 424-2460 <http://www.naeyc.org>
- Tax -Exempt Status for Your Organization IRS Publication 557. [www.irs.gov](http://www.irs.gov)
- Handbook for Public Playground Safety: U.S. Consumer Product Safety Commission, Washington, DC 20207. <http://www.cpsc.gov>
- Office of Personnel Management 5 CFR Part 950 (Combined Federal Campaign, CFC) Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations. <http://www.opm.gov>
- Child Care Design Guide, PBS-140, General Services Administration, Public Buildings Service. [http://www.gsa.gov/portal/content/103724#Child Care Publications](http://www.gsa.gov/portal/content/103724#Child_Care_Publications)
- Caring for Our Children, National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs. A joint collaborative project of the American Public Health Association and the American Academy of Pediatrics.  
<http://cfoc.nrckids.org/>

# APPENDIX A: TRIBLE AMENDMENT

Title 40 U.S.C. section 590

Public Law 107-217 signed 8/21/2002

Title 40 United States Code

Related to public buildings, property, and works

Sec. 590. Child care

(a) GUIDANCE, ASSISTANCE, AND OVERSIGHT- Through the General Services Administration's licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to federal agencies for the development of child care centers to provide economical and effective child care for federal workers.

(b) ALLOTMENT OF SPACE IN FEDERAL BUILDINGS-

(1) DEFINITIONS- In this subsection, the following definitions apply:

(A) CHILD CARE PROVIDER- The term 'child care provider' means an individual or entity that provides or proposes to provide child care services for federal employees.

(B) ALLOTMENT OFFICER- The term 'allotment officer' means an officer or agency of the Federal Government charged with the allotment of space in federal buildings.

(2) ALLOTMENT- A child care provider may be allotted space in a federal building by an allotment officer if--

(A) the child care provider applies to the allotment officer in the community or district in which child care services are to be provided;

(B) the space is available; and

(C) the allotment officer determines that--

(i) the space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian employed by the Government; and

(ii) the child care provider will give priority to federal employees for available child care services in the space.

(c) PAYMENT FOR SPACE AND SERVICES-

(1) DEFINITION- For purposes of this subsection, the term `services' includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.

(2) NO CHARGE- Space allotted under subsection (b) may be provided without charge for rent or services.

(3) REIMBURSEMENT FOR COSTS- For space allotted under subsection (b), if there is an agreement for the payment of costs associated with providing space or services, neither title 31, nor any other law, prohibits or restricts payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(d) PAYMENT OF OTHER COSTS- If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other federal or leased space, the agency or the Administration may--

(1) pay accreditation fees, including renewal fees, for the child care facility to be accredited by a nationally recognized early-childhood professional organization;

(2) pay travel and per diem expenses for representatives of the child care facility to attend the annual Administration child care conference; and

(3) enter into a consortium with one or more private entities under which the private entities assist in defraying costs associated with the salaries and benefits for personnel providing services at the facility.

(e) REIMBURSEMENT FOR EMPLOYEE TRAINING- Notwithstanding section 1345 of title 31, an agency, department, or instrumentality of the Government that provides or proposes to provide child care services for federal employees may reimburse a federal employee or any individual employed to provide child care services for travel,

transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with providing the services. A per diem allowance made under this subsection may not exceed the rate specified in regulations prescribed under section 5707 of title 5.

(f) CRIMINAL HISTORY BACKGROUND CHECKS-

(1) DEFINITION- In this subsection, the term `executive facility' means a facility owned or leased by an office or entity within the executive branch of the Government. The term includes a facility owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government.

(2) IN GENERAL- All workers in a child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

(3) NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES- This subsection does not apply to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.

(g) APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE-

(1) DEFINITION- For purposes of this subsection, the term `Executive agency' has the meaning given that term in section 105 of title 5, but does not include the General Accounting Office.

(2) IN GENERAL- In accordance with regulations the Office of Personnel Management prescribes an Executive agency that provides or proposes to provide child care services for federal employees may use appropriated amounts that are otherwise available for salaries and expenses to provide child care in a federal or leased facility, or through contract, for civilian employees of the agency.

(3) AFFORDABILITY- Amounts used pursuant to paragraph (2) shall be applied to improve the affordability of child care for lower income federal employees using or seeking to use the child care services.

(4) ADVANCES- Notwithstanding section 3324 of title 31, amounts may be paid in advance to licensed or regulated child care providers for services to be rendered during an agreed period.

(5) NOTIFICATION- No amounts made available by law may be used to implement this subsection without advance notice to the Committees on Appropriations of the House of Representatives and the Senate.

# APPENDIX B: Sample Memorandum of Understanding between GSA and the Board of Directors

This MOU may be tailored by GSA for each child care center.

## MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GENERAL SERVICES ADMINISTRATION (GSA)

AND

THE BOARD OF DIRECTORS:

### Purpose

This Memorandum of Understanding (MOU) summarizes the conditions under which the General Services Administration will provide space for the Child Care Provider to provide child care services located at:

### Background and Authority

In 1986, Congress enacted P.L. 99-591 which created a new section 40 U.S.C. 490b to the Property Act (recodified in 2002 as section 590). This provision, commonly referred to as the Triple Amendment, allows GSA to provide space, at no cost, to organizations who wished to provide child care services at that site. Child care services have been proven to increase productivity through improved staff recruitment and retention, reduced absenteeism, and higher employee morale.

GSA or the sponsoring agency, \_\_\_\_\_ has made a determination that a child care center is necessary for the welfare of government employees in and around the \_\_\_\_\_ Building. To facilitate the provision of child care services, GSA has provided space and built-out a child care center.

The Board of Directors for this Child Care Center has organized and incorporated as a 501(c)(3) organization to provide for child care services for government employees. The Board of Directors has hired a Provider to operate the Center for the benefit of the

children of these employees.

## **Specific Provisions**

Board of Directors: The Board will ensure that both the Provider and the Board comply with all of the general and specific terms and conditions set forth in the GSA License Agreement.

The Board agrees to provide general oversight over the child care Provider which the Board has selected to operate the Center. The Provider must agree to run a State licensed and NAEYC accredited center. All selections and changes of Provider must be with the review and approval of GSA.

The Board shall be a legal not for profit Board of Directors of no more than 11 voting members. Members of the board should include a variety of interests and skills such as an early childhood expert, a fund-raiser, an accountant or CPA, a lawyer, a parent representative from each age group, or a member of the Parent Advisory Group if one is set up by the provider (the board is not to be exclusively parents, Board members will reflect the agency mix of the facility and membership should be sought consistent with building occupancy so as to reflect the interests of all agencies). Non Federal participation on the board is to be sought.

The Board agrees to submit, upon request, proof of its tax-exempt charitable and educational status under Federal and State laws.

The Board will provide for adequate training and transitioning of officers and new board members. By laws will include staggered terms (2 years) and filling vacancies in a timely fashion to allow continuity of services to the federal community.

The Board must have an agreement with the provider that includes any specific requirements germane to the site such as hours of operation, type of food service, etc. This agreement cannot negate any of the terms of the GSA license with the Provider. This agreement is subject to review and approval of GSA. Any renewals and/or termination of this agreement are subject to approval by GSA.

The Board shall establish and administer a tuition assistance program for families in economic need. The tuition assistance program must include the provision of a review committee that does not include center parents. Funds for this program can come from Combined Federal Campaign (CFC) donations, donated funds from the recycle

program, fund-raisers, grants and fees as appropriate.

All federal employees must adhere to the standards of ethical conduct for employees of the executive branch. The most relevant provisions are title 18, sections 205 and 208 of the U.S. Code.

The Board will designate a member of the Board as a liaison with the GSA Child Care Program Manager.

GSA: GSA will conduct periodic reviews of the Center to determine that both the Center and the Board are in compliance with the GSA License Agreement.

GSA will ensure that the center is cleaned and maintained as specified in the Guidelines that GSA has established for the operation of child care centers in GSA space.

GSA's Regional Program Manager will serve as the GSA representative to the Board. This is an advisory role not a voting Board member.

#### Effective Date and Duration

This agreement is effective on the date of the last signature below and will continue in effect for each party unless and until terminated by either party.

#### Termination

This agreement may be terminated under the following conditions:

If there shall occur or shall become known to either party a material breach of the other's obligations, representatives, or warranties under this agreement, such party may terminate this Agreement upon thirty (30) days written notice to the other, provided that the other party may prevent termination by curing such breach within thirty (30) days of receipt of such written notice.

If there occur or become known to the GSA at any time after the effective date of this Agreement a material breach of the Provider's obligations under the Special Conditions to the Licensing Agreement which in GSA's reasonable judgment jeopardizes the safety, health or well-being of the children cared for by the provider, GSA shall have the right to terminate this Agreement and revoke the license immediately.

#### Approvals

On behalf of our respective parties, this Agreement is approved.

\_\_\_\_\_

Board of Directors

Date

\_\_\_\_\_

Title

\_\_\_\_\_

GSA Representative Date

# APPENDIX C: SAMPLE SPECIAL CONDITIONS TO THE LICENSING AGREEMENT

(Updated 12/2016)

First printed in the Federal Register/Vol. 58, No. 123 Tuesday, June 29, 1993

*SPECIAL CONDITIONS TO THE LICENSING AGREEMENT BETWEEN U.S. General Services Administration and \_\_\_\_\_ (child care provider)*

## 1. LICENSE AUTHORITY

This license is granted pursuant to the authority of and subject to the conditions in 40 U.S.C. § 590. Child Care Provider is responsible for delivering child care at the site described below and agrees to abide by these Special Conditions.

The location of the site:

## 2. EMPLOYEE BACKGROUND INVESTIGATIONS

A) A criminal history background check is a prerequisite for employment at child care facilities in Federally-controlled space. No employee shall be permitted to work until an "initial access" determination is obtained from the designated Federal government security office. Child care workers without a final favorable adjudication must work under sight supervision of a fully cleared employee in accordance with 42 U.S.C. § 13041.

B) Child Care Provider is responsible for ensuring that all workers complete and submit the following:

- Contractor Information Worksheet
- Electronic Questionnaire for Investigations Processing (e-QIP) system SF85 Questionnaire for Non-Sensitive Positions
- Basic National Agency Check Criminal History GSA176
- Fingerprints
- State criminal history child care checks

Child care employees who have a conviction for sex crimes, offenses involving children as victims, or drug felonies will be denied employment or dismissed. For a conviction of a crime other than a sex crime or offense involving children, the government will review the facts of the individual case before exercising its right to deny or terminate employment.

C) A Government-furnished identification (ID) card may be required to access child care facilities in GSA-controlled space. GSA may issue an ID card to a child care employee if there is a favorable result on a fingerprint check and a personnel security investigation at the level of the National Agency Check with written Inquiries (NACI) with an additional State criminal history child care check (CNACI).

### 3. NATIONAL ACCREDITATION

Child Care Provider must receive National Association for Education of Young Children (NAEYC) accreditation within two years of occupancy. Once the NAEYC accreditation is achieved, the provider must maintain the accreditation.

### 4. Executive Order 13658, Establishing a Minimum Wage for Contractors

Executive Order 13658 regarding minimum wage for Federal government contractors applies to this Child Care License Agreement. See Attachment A.

### 5. TERMS AND CONDITIONS OF OCCUPANCY

Child Care Provider will operate the facility in accordance with the following terms and conditions:

- A) Maintain and operate a State or locally licensed developmental child care program from \_\_\_ a.m. to \_\_\_p.m., Monday through Friday except on Federal holidays. [Child Care Provider may close the facility for up to an additional five (5) days per year for staff training or maintenance.]
- B) Child care employees will comply with all building regulations and special building security arrangements. Building security arrangements may include the display of Government-furnished identification (ID) cards, where required. All Government furnished IDs remain the property of the Government and must be immediately returned to the designated building security officer at the conclusion of employment.
- C) Child Care Provider is prohibited from discriminating against and harassment of any employee or any applicant for employment because of race, color, national or ethnic origin, age, religion, disability, sex, sexual orientation, gender identity and expression, veteran status or any other characteristic protected under applicable federal or state law and under GSA regulations and policies.
- D) Child Care Provider will comply with all GSA IT Security and Privacy requirements including completing GSA issued Security Awareness and Privacy Training. Users have no expectation of privacy on GSA IT systems. All activity on GSA IT systems is subject to monitoring.

- E) GSA and the sponsoring Federal agencies may purchase fundamental, long-term furnishings and equipment such as kitchen appliances, playground equipment, classroom equipment and furnishings for use in the child care facility. All equipment and furnishings purchased by GSA are government property. By signing this agreement Child Care Provider acknowledges receipt of and use of Government provided furnishings, equipment and other property.
- F) Child Care Provider must maintain an inventory list of all government provided furnishings and equipment. The inventory is subject to periodic review and verification by GSA. Child Care Provider must acknowledge the receipt of equipment and other Government furnished property to GSA in writing within seven (7) days. Child Care Provider must notify GSA when furnishings and equipment is no longer needed. Child Care Provider must seek prior approval before moving furnishings or equipment off-site or disposing. Child Care Provider is responsible for any loss or damage to furnishings and equipment arising from wrongful acts or acts of negligence of child Care Provider.
- G) Child Care Provider must provide routine care to all Government provided furnishings, equipment and other property during the term of this license. Child care equipment in need of repair must be reported to GSA. Child Care Provider will report issues with cleaning, heating, cooling and other facility related items to GSA.
- H) Child Care Provider is responsible for maintaining the facility and equipment in a clean and safe manner. Child Care Provider is responsible for maintaining a clean and orderly facility. Cleaning responsibilities of the provider include, but are not limited to: cleaning and sanitizing of government provided furnishings and equipment, including shelves, children's furniture, kitchen appliances (inside and out), kitchen pantries, cabinets, storage closets, laundry rooms, playgrounds, provider-owned equipment and materials, pet cages, and aquariums. Immediate spot cleaning is required during and after snacks, mealtimes, and craft projects, etc. Child Care Provider is responsible for immediate clean up after sick children which includes sanitizing and disinfecting the affected area. Storage of all bleach, cleaning, and sanitizing solutions will be inaccessible to children at all times.
- I) Child Care Provider will provide all consumables, supplies, materials and provider curriculum choices for the facility. See Attachment B for a non-exhaustive list of supplies and materials that are considered child care Provider's responsibility.
- J) Child Care Provider must ensure that staff members have ongoing training. In addition to the training required by State or local licensing authorities and NAEYC accreditation criteria, child Care Provider must ensure that staff receive and documentation is on file for 1) annual training in the prevention, detection, and reporting of child abuse; 2) staff training on emergency and evacuation procedures; and 3) annual training on blood borne pathogens (per

OSHA 29 CFR 1910.1030 or most current applicable to all settings where workers might come into contact with blood).

- K) Child Care Provider will comply with Property Management and Federal Protective Service (FPS) accident and criminal reporting procedures. The provider will immediately report all crimes and suspicious circumstances occurring on Federally-controlled property to FPS. Child Care Provider must immediately report accidents involving personal injury which result in professional medical attention or property damage to the Federal agency property manager. If professional medical attention is pursued days following the accident, the provider must report to GSA within the same business day that medical attention was obtained, or as soon as possible. These reporting requirements are in addition to filing procedures required by State or local child care licensing and NAEYC.
- L) Child Care Provider must notify the appropriate local authority of suspected child abuse or neglect, per Public Law 101-647. The FPS must be notified in these matters if the suspected abuse occurred on Federally-controlled property.
- M) Child Care Provider must notify GSA within 24 hours operational disruptions and critical incidents that may impact program quality or compromise the essential health or safety of any child, including reportable incidents defined by NAEYC.
- N) Child Care Provider must post current state or local license to operate a child care facility in a public area.
- O) Child Care Provider must comply with all Federal, State or local safety policies, including the no-smoking policy.
- P) Child Care Provider must develop and keep current an Occupant Emergency Plan (OEP). Child Care Provider must work with appropriate Government officials to ensure that the facility's OEP is appropriately incorporated into the OEP for the main building. Child Care Provider will train all staff on emergency procedures including during employee orientation. Child Care Provider must make all Parents aware of emergency procedures. Child Care Provider must post the emergency evacuation plan in each room. Child Care Provider must ensure that emergency evacuation drills are conducted, documented and evaluated monthly. Child Care Provider should also periodically practice evacuations to their alternate relocation sites. Records of all drills must be available to GSA upon request. Child Care Provider must immediately notify the GSA Child Care Office of all evacuations, and closings as soon as it is safe to do so.

- Q) On a regular basis, the GSA Child Care Office will collect demographic data and other pertinent information relating to facility operations. Child Care Provider will respond in a timely and expeditious manner.
- R) Child Care Provider must demonstrate that it is financially capable of continuing its operations under the terms of its license to use space. Child Care Provider agrees to provide financial statements, upon request.
- S) Child Care Provider is responsible for marketing the child care program, its quality, and availability to Federal employees and others.

#### 5. GSA INITIATED REVIEWS

If determined necessary by GSA, Child Care Provider agrees to have a GSA initiated program, health, and/or safety assessments conducted on child care facility operations. Child Care Provider must follow all subsequent requirements/recommendations.

#### 6. STATUS OF THE CHILD CARE PROVIDER

Child Care Provider is not an employee or agent of the Government. Parents with children enrolled at the facility will contract directly with Child Care Provider. Except for matters explicitly addressed in this license, decisions and responsibilities with respect to program, enrollment, fees, tuition, hiring, policy making, and any and all other aspects of the operation and conduct of the facility's business shall be the exclusive responsibility of Child Care Provider.

#### 7. FEDERAL ENROLLMENT

Per the conditions of 40 U.S.C. § 590, at least 50 percent of the enrolled children must have one parent or guardian employed by the Government. If this requirement is not met, an action plan must be put into effect to increase Federal enrollment. Child Care Provider will develop and submit to GSA a marketing plan to increase Federal participation.

#### 8. PRIORITY ENROLLMENT

Per the conditions of 40 U.S.C. § 590, Federal employees will be given priority placement for all available spaces. Remaining enrollment may be open to the general public. Children of non-Federal families already enrolled in the facility may not be involuntarily unenrolled to make room for children of Federal families.

#### 9. INSURANCE

Child Care Provider will, at its own expense, provide and maintain during the term of this license, and any extension thereof, comprehensive liability insurance in an

amount not less than \$1 million per occurrence. Child Care Provider will also maintain an accident/medical expenses insurance policy on all students.

10. TUITION ASSISTANCE

Child Care Provider will create a tuition assistance program for Federal families in economic need. The tuition assistance program *can* be established through a nonprofit child care board of directors or parent teacher organization. Tuition assistance program data will be provided to GSA annually and as requested.

11. TERMINATION

GSA or Child Care Provider may terminate this license after sixty (60) days written notice, or immediately if there is a substantial breach of the conditions of this license.

12. EFFECTIVE DATE AND DURATION

This agreement is effective on the date of the last signature and will continue in effect for each party unless and until terminated by either party under the conditions in section 11 of this agreement.

13. MODIFICATIONS

Child Care Provider may submit a written request to GSA for a modification to this agreement. GSA may unilaterally modify this agreement at any time.

14. CHANGES IN STATUS

Child Care Provider agrees to notify GSA immediately of any changes in the manner in which the facility is being operated or in its change of status including the creation of any public private partnerships. This license is nontransferable and may be cancelled if the Provider sells its business.

Signature Page

X

Child Care Provider

Date

X

GSA Representative

Date

# Special Conditions to Licensing Agreement

## ATTACHMENT

### DESCRIPTION OF PROVIDER RESPONSIBILITIES FOR CONSUMABLES, SUPPLIES, AND MATERIALS.

The child care provider is responsible for providing all consumables, supplies, materials, and provider curricula that are not provided by GSA. Please see the following list of examples of items that are the child care provider's responsibility:

Educational supplies and materials include:

- indoor sand;
- play dough;
- art supplies such as paint, glue, construction paper;
- books;
- games, sorting/stacking/matching games, puzzles;
- props (materials used to complete furniture to enhance meaningful play);
- puppets;
- play food;
- play kitchen dishes;
- dress-up clothes;
- housekeeping accessories (vacuum, broom, mop, etc.);
- dollhouse furniture and family sets;
- woodworking table tools;
- dolls;
- doll clothes;
- play animals;
- parachutes;
- fabric tunnels;
- sand implements (shovels, scoops, buckets, sifters);
- balls;
- hoops;
- flags;
- cardboard blocks;
- off-the shelf curriculum programs;
- teacher curriculum planning resources;
- music;
- CDs;
- tapes;
- cameras;
- Legos;
- counting bears;
- sea shells;
- sorting activities;
- classroom graphs or charts; and,
- iPads/Notepads.

Practical supplies and materials include, but are not limited to:

- plates;
- cups;
- bowls;

- utensils;
- towels;
- gloves;
- cleaning supplies (for provider use only);
- dish detergent;
- sanitizer solution;
- emergency kit contents;
- first aid supplies;
- choke tube testers;
- food/drink;
- linens and cot sheets;
- cutting boards; and,
- replacement of any GSA provided start-up kitchenware.

Office supplies and materials include, but are not limited to:

- copy machine paper and toner (unless provided for in service plan);
- printer cartridges (unless provided for in service plan);
- letter cutters;
- clocks; and,
- iPads/Notepads.

# APPENDIX D: SOLICITATION FOR CHILD CARE PROVIDER

## Solicitation for Child Care Provider

### BACKGROUND:

The (insert name of Board of Directors), a private not-for-profit corporation, herein referred to as the "Board, is seeking a professional provider for the on-site child care center located at (insert address). The child care center is located in space controlled by the U.S. General Services Administration (GSA) and is, therefore, subject to requirements of the GSA.

The child care center was opened under the authorities of Title 40 United States Code Section 590. The authority identifies the need for quality child care service at the Federal workplace. Federal employees receive priority rights to enrollment and a minimum of 50 percent of the children must be children from Federal families. The center receives space free of charge of rent, utilities, janitorial services, and equipment<sup>5</sup>. All other costs are the responsibility of the Provider.

A Provider will be selected to operate the child care center consistent with the requirements of this request. The selected Provider will be required to (1) enter into a contract with the Board based on the terms and conditions of this request; (2) sign a license agreement for use of the space with GSA.

### CHILD CARE CENTER DESCRIPTION:

The center was opened in \_\_\_\_\_. The plan is for the new provider to assume operations on (insert the date). The center occupies approximately \_\_\_\_\_ sq. ft. indoors. The center houses ---- classrooms and a separate multipurpose classroom. An outdoor playground of approximately \_\_\_\_\_ sq. ft. is located adjacent to the Federal building.

The center licensed capacity is \_\_\_\_\_ children. Ages of children are from \_\_\_\_\_ months to \_\_\_\_\_ years. Current enrollment by classroom is as follows:

---

<sup>5</sup> See Appendix D: *Sample Special Conditions to the Licensing Agreement* for the equipment and furnishings that GSA may provide.

The center includes a (designate commercial or residential) kitchen. A catered lunch program is provided by (insert name of provider). The cost of snacks and meals is to be included in the tuition fees.

The Board cannot guarantee enrollment; traditionally, the center has been enrolled at near or full capacity. A waiting list exists for the following classrooms:

### **BOARD-PROVIDER RELATIONSHIP:**

The Provider will be responsible for all aspects of the management and operation of the center.

The Provider understands and agrees that the services to be provided under this agreement by the Provider are non-personal services. The parties recognize that no employer-employee relationship exists or will exist under this agreement. For the purpose of this agreement, the Provider's employees shall not be subject to the supervision of Board members or Federal officers or employees while engaged in the performance of their duties. The Board and Provider will meet on a regular basis, typically not more than monthly. The Board President will be the Provider's point of contact for special situations and emergencies.

### **BOARD RESPONSIBILITIES:**

The Board will enter into a contract with the Provider that will specify the agreements made by both parties. The Board will provide a forum for business or other communication, as either party desires. The Board will act as liaison with the Federal community and will keep the Federal community apprised of developments at the center. Annually, upon receipt of the annual audit and proposed budget from the Provider, the Board will review tuition rate changes. The Board will raise funds and administer the tuition assistance program for families in need of financial support.

### **PROVIDER RESPONSIBILITIES:**

The Provider shall perform all tasks necessary for the operation of a quality child care and development center consistent with this request and meeting or surpassing the requirements of local and/or State licensing regulations.

The Provider should use the criteria from the National Academy of Early Childhood Programs' (NAECP) accreditation requirements as the standards for this solicitation. The NAECP is a division of the National Association for the Education of Young Children (NAEYC). Therefore, criteria related to staff qualifications, curriculum, parent involvement, and all other aspects of the NAECP/NAEYC accreditation requirements will not be repeated here.

In addition to the criteria referenced above, the requirements of the special conditions to the GSA licensing agreement apply. A copy of a sample license agreement with special conditions is included with this request.

Besides the requirements of the three documents named above, the following terms and conditions will apply:

- a. Maintain and operate the child care program from (insert a.m. time) to (insert p.m. time) Monday through Friday with the exception of 10 Federal holidays.
- b. The Provider shall establish all operating policies including staff and parent policies.
- c. The Provider shall collect all tuition fees and other moneys necessary for the operation of the program.
- d. The Provider will maintain an enrollment that will reflect a minimum of 50% of enrolled children from Federal families.
- e. The Provider will provide the Board and GSA an annual audit of the center's financial books, records, and expenditures by an outside, independent, certified auditor or accountant. The audit shall reflect the financial status of the center and no other center with whom the Provider has a relationship will be included.
- f. The Provider is responsible for staff recruitment and staff training. The Provider will provide staff benefits including, but not limited to, vacation and sick days and health coverage. The Provider may provide dental coverage and/or a retirement plan.
- g. The Provider will publicize and market the center as appropriate.

**SPECIAL REQUIREMENTS:**

The agreement is not affected by oral agreements.

The Board is interested in a commitment to retain the current staff on an initial probationary basis.

The Board wishes to be insured through a rider to the Provider's liability insurance policy.

**PERIOD OF PERFORMANCE:**

(Can set any term, can be open ended.)

The period of performance shall continue indefinitely unless the Provider fails to meet the requirements specified in this request, the contract, and the GSA licensing agreement with special conditions in which case the Provider will receive 30 days written notice to terminate the agreements. The Board will conduct a review of the Provider's performance after the first 6 and 12 months of performance.

**PROPOSAL FORMAT:**

All responses must be received no later than 4:00 p.m. on (insert date) to the following person at the following address:

The proposal must include four copies of the proposal. The proposals shall be written in two separate sections: Section 1. Technical Proposal; Section 2. Cost Proposal. The technical proposal shall contain no references to or discussion of cost.

The Board will evaluate proposals based on criteria for quality child care programming, sound financial plans, and succinctness. The proposal should demonstrate the provider's understanding of the requirements and their ability to meet the requirements in a clear, concise and logical manner.

**TECHNICAL PROPOSAL:**

The technical proposal shall include:

1. A statement of philosophy and mission, including what are considered by the provider to be the three most important goals of a child care program.
2. In no more than one page, the overall curriculum philosophy and approach. If a particular curriculum model is subscribed to, name it.

3. Staffing patterns with accompanying staff qualifications (e.g., if a head teacher and assistant are assigned a particular classroom, list the types of credentials and/or experience each should have). Staffing patterns should reflect all parts of the day.
4. A sample schedule of daily activities and special activities.
5. Schedules for obtaining local and/or State Licenses and NAEYC accreditation.
6. Proposed food service.
7. Copy of the parent handbook
8. Copy of the staff handbook
9. Five references (names, affiliations, telephone numbers) who have firsthand knowledge of your ability to successfully perform the requirements of this request.

**COST PROPOSAL:**

Use the attached budget format to identify cost and projected income.

1. Identify the cost per week for each category of user. Identify any additional costs to users besides tuition. Specify the services which are included in the tuition (e.g., food, special classes). Specify the number of hours of care per day the tuition fee reflects. Indicate, if appropriate, what charges will be for additional hours. The committee prefers for tuition to be all inclusive with the exception of diapers and baby food.
2. Identify salary costs and benefits.
3. Include administrative costs, insurance, food costs, marketing expenses, and any other expenses predicted for the operation of the center.
4. Besides tuition income, identify any other sources of income predicted as revenue (food subsidies, etc.). Do not include fundraising revenue that will be collected by the Board of Directors.

CENTER NAME: \_\_\_\_\_

ANNUAL BUDGET \_\_\_ weeks)

INCOME

Total tuition income (based on \_\_\_% of enrollment)

\_\_\_ infants, \_\_\_ toddlers \_\_\_ 2's \_\_\_ pre-k \_\_\_\_\_

USDA funds \_\_\_\_\_

Voucher funds \_\_\_\_\_

Miscellaneous income (list sources) \_\_\_\_\_

Total Income \_\_\_\_\_

EXPENSES

Administrative salaries - center director \_\_\_\_\_

assistant director \_\_\_\_\_

cook/other \_\_\_\_\_

Staff salaries -based on \_\_\_ (# of) FT, teachers \_\_\_\_\_

based on \_\_\_ (# of) FT assistants \_\_\_\_\_

based on \_\_\_ (# of) part time staff \_\_\_\_\_

All applicable payroll taxes & unemployment insurance \_\_\_\_\_

Health insurance \_\_\_\_\_

Retirement benefits \_\_\_\_\_

Life insurance \_\_\_\_\_

Paid staff vacation /sick leave \_\_\_\_\_

Provider administrative fees \_\_\_\_\_

Food (is daily hot lunch provided? Yes/No) \_\_\_\_\_

Classroom supplies and equipment \_\_\_\_\_

Other supplies (kitchen and office) \_\_\_\_\_

Center liability insurance \_\_\_\_\_

Professional publications/memberships \_\_\_\_\_

Staff training (in-service, conference fees & travel) \_\_\_\_\_

Miscellaneous (postage, printing, advertising, special

programs, transportation, License) List misc.

expenses as separate line items if an item is in excess of \$2,000

\_\_\_\_\_

Total Expenses \_\_\_\_\_

# APPENDIX E: FUNDRAISING GUIDE

## Fundraising Guide

|  |    |
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## **PREFACE**

Fundraising has become an important source of tuition assistance dollars for many Federal child care centers. We hope this document will take the mystery out of fundraising and will serve as a practical guide for boards of directors, parent advisory committees, and other volunteers.

We purposely exclude information on grant writing, soliciting corporations, and the Combined Federal Campaign, because information on these topics is available from other sources. Also, our discussion of legal considerations is necessarily general; centers are advised to consult their respective Federal agencies and buildings managers early in the fundraising process, even if events will be held off Federal property.

We welcome your comments about this guide and suggestions for fundraisers so that we can include them in future publications.

## **ACKNOWLEDGEMENTS**

GSA wishes to acknowledge the contributions of Marcelle Hababion, Ph.D., Department of Veterans Affairs; Edwardene Pitcock, Department of Agriculture; and the directors and board members of child care centers operating in GSA managed space who provided proven fundraising ideas. The principal authors are Patricia F. Kinney, Ph.D, and Susan Grandy, Intern, Office of Child Care and Development Programs. March 1992

**Updated by the GSA Child Care Center of Expertise November 2016**

## GSA LEGAL MEMO ON FUNDRAISING CONCERNS

January 16, 2003

MEMORANDUM FOR: EILEEN STERN  
DIRECTOR  
OFFICE OF CHILD CARE (PK)

FROM: LESLY P. WILSON /signed/  
SENIOR ASSISTANT GENERAL COUNSEL  
GENERAL LAW DIVISION (LG)

SUBJECT: Concerns of the Ziggurat Child Development Center

This memorandum is in response to your questions relating to the Ziggurat Child Development Center concerning fundraising by the child care center, the use of those funds and other issues pertaining to the operation and participation by various parent groups at the Center.

Generally speaking, the GSA building regulations prohibit individuals from soliciting commercial or political donations, vending merchandise of all kinds, displaying or distributing commercial advertising, or collecting private debts. 41 CFR 102-74.410 (formerly section 41 CFR 101-20.308). Subsection (a) of that section states however, that these restrictions are not applicable to "national or local drives for funds for welfare, health or other purposes as authorized by 5 CFR part 950, entitled 'Solicitation of Federal Civilian And Uniformed Service Personnel For Contributions To Private Voluntary Organizations,' and sponsored or approved by the occupant agencies."

In a letter dated January 24, 1992, the Office of Personnel Management stated that although the regulations for the Combined Federal Campaign (CFC), 5 CFR Section 950.102, limits fundraising in the Federal workplace to the annual CFC, there is an exception to this limitation that applies to child care centers. In the letter OPM cites Section 7 of Executive Order 12353, as amended, which allows:

'solicitations conducted by organizations composed of civilian employees or members of the uniformed services among their own members for organizational support or for the benefit of welfare funds for their members.'

OPM concluded that child care centers located at Federal installations fall within this exception and therefore special solicitations may be conducted on their behalf under the policies and procedures approved by the head of the Department or agency. It is our

opinion, therefore, that child care centers can conduct fundraising activities in the public areas of Federal buildings at times other than during the Combined Federal Campaign if a permit is obtained from the building manager to use the space.

To obtain a permit, an organization must submit an application which includes the following information:

1. Name, address and telephone number
2. The organization sponsoring the proposed activity
3. The individual responsible for supervising the activity
4. Documentation that the applicant has authority to represent the sponsoring organization
5. A description of the proposed activity.

41 CFR 102-74.470.

If funds are to be solicited, the applicant must also certify in writing that the organization has received an official ruling of tax-exempt status from the IRS under 26 U.S.C. 501(c)(3). 41 CFR 102-74.475. Consequently, if the child care center wishes to hold a fundraiser in the Federal building, the sponsor must have a tax-exempt designation from the IRS, or have applied for non-profit status. Because of this requirement, for-profit centers must have a non-profit board to be the sponsoring agent for the fundraiser. If the center itself is certified as a non-profit entity, it could sponsor the fundraiser. If a parent advisory committee or some other representative parent group of the center wishes to sponsor a fundraiser, the group which holds the non-profit designation, such as the board, must participate in the fundraiser in order to obtain the permit to use the space. In order to hold a fundraiser in the building if the center does not have a non-profit board and the center itself does not have a non-profit status, the center must have the sponsorship of an employee association or other non-profit group designated by the agency to sponsor fundraising activities within the building.

The authority to do fundraising within a Federal building does not restrict the center to conducting such activities as a bake sale. Under this authority, the center could decide to sponsor a fundraising event involving a sale by a commercial vendor where the child care center receives a portion of the proceeds. The decision whether to sponsor a particular vendor and the percentage of proceeds earmarked for the child care center should be made solely by the child care center and not the government as long as the activities being engaged in do not reflect negatively on the agency.

Since the CFC rules recognize that civilian employees may conduct solicitations among themselves for organizational support or for the benefit of welfare funds for their members, it would also seem appropriate to allow a parent group, in addition to the board, to conduct fundraising among the parents within the center itself. It is not necessary to obtain a permit to conduct an activity within the center's space. (Permits

are only granted for the use of public areas of the building and a child care center is not a public area. See 41 CFR 102-74.465) When the center receives a revocable license for use of the space within the Federal building pursuant to GSA Form 1582, the center is authorized to conduct whatever activities are stipulated and necessary to pursue the purpose of the license and required to comply with all rules, orders, regulations and requirements of the Government. Legally the center has the authority to conduct fund raising activities within the public areas of the building. Consequently, it follows that the center also has the authority to conduct fund raising activities within the confines of the space that is designated in the license agreement. It is, of course, possible for the parties to agree in the contract between the board and the provider that fund raising will not be conducted within the child care center's space.

With regard to the uses of the money obtained through fundraising, GSA has traditionally taken the position that all fundraising was to be used for the tuition assistance programs that are required in the Special Conditions to the License Agreement. (See, Board of Directors Child Care Resource Book, Appendix J) These funds were to be used in addition to the funds that may be received by the center through the subsidy program authorized by the Morella Amendment and codified in 40 U.S.C. 590(g). GSA also recognizes that fund raising may be used to assist the center in providing special programs and other activities for the children as enhancements to the general program of the provider. It was not anticipated that these funds were to be used to enhance salaries or provide bonuses for staff members. There is nothing, however, that would prevent individual parents from privately giving a bonus to staff members if they chose to do so.

You have also questioned the potential conflict of interest of members of the board who are also government employees. Generally, 18 U.S.C. 205 is not violated when a government employee sits on the board of directors of any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers of employees of the United States or of the District of Columbia, or their spouses or dependent children, and the representation is not inconsistent with the faithful performance of the employee's duties. Simply stated, government employees may act as a representative on a non-profit board and may communicate with Federal departments and agencies concerning the organization if the majority of the members of that board are also government employees as long as there is no conflict with their official capacity. However, Subsection 205(d)(2) specifically prohibits an employee from representing an employee organization, which would include a child care center, back to the government

- 1) when the representation involves claims against the Government;
- 2) when there are formal adversarial matters where the organization or group is a party and

3) when the employee is lobbying for grants, contracts and cash on behalf of the organization.

If the member of the Board held a government position that was responsible for funding for the center or for any decisions related to renovation or alteration of the space there may be, at a minimum, the appearance of an impropriety. We would suggest that any employee that may act in these roles in their official capacity consult the applicable Office of General Counsel for a review of the matter.

Please feel free to contact me if you have any additional questions concerning this matter.

**Please see your Regional Child Care Coordinator for a copy of the original memo.**

# OPM OPINION ON FUNDRAISING MEMO

## Special Solicitations for Child Care Centers located at Federal Installations

October 29, 1999, the United States Office of Personnel Management (OPM) Director of Office of Workforce Relations, Steven R. Cohen, wrote to Directors of Personnel and stated the following:

The purpose of this memorandum is to restate guidance previously issued by OPM to address two questions related to fundraising for child care on federal property:

- (1) Can fundraising activities for child care centers located on Federal installations be conducted? And
- (2) Are there restrictions about such fundraising activities during the Combined Federal Campaign (CFC)?

Because the Federal Government has recognized the importance of developmentally appropriate child care for Federal employee, many child care centers have been established at Federal installations. These centers provide accessibility to child care to increasing numbers of Federal employees. However, many families are unable to afford the tuition rates at the child care centers their agencies sponsor.

In an effort to financially assist as many families as possible, child care centers have applied for and received eligibility in the CFC. In addition, some centers have requested permission to conduct additional charitable fundraising activities beyond the CFC donations.

While Section 950.102 of the CFC regulations at 5 CFR part 950 limits fundraising in the federal workplace to the annual CFC, there is an exception to this limitation on solicitations that applies to child care centers. Section 7 of Executive Order 12353 (as amended) allows "solicitations conducted by organizations composed of civilian employees or members of the uniformed services among their own members for organizational support for the benefit of welfare funds for their members. Such solicitations shall be conducted under the policies and procedures approved by the head of the department or agency concerned."

We have determined that child care centers located at Federal installations fall within this exception and, therefore, special solicitations may be conducted under the policies and procedures approved by the head of the department or agency that sponsors the child care center. One important requirement is that the department of agency's standards of conduct and any restrictions of the Office of Government Ethics regarding fundraising should be reviewed carefully.

In conformity with the Office of Personnel Management's longstanding position that other charitable solicitation should not be conducted during the CFC campaign, we are requiring that such solicitations not take place during the fall of each year when the local CFC campaigns are in progress.

Nothing in this memorandum is meant to limit the opportunities for child care centers to seek support from non-Federal sources, from Federal employees outside the workplace, or to limit the opportunity for a Federal employee in a private capacity to support the centers. If you have questions, please call the Family- Friendly Workplace Advocacy Office, (202) 506-5520

**Please see your Regional Child Care Coordinator for a copy of the original memo.**

## **SECTION 1**

### **WHY FUNDRAISING?**

Studies have shown that quality child care is expensive, and center-based care is generally the most expensive. Annual estimates from quality centers range from \$4,800 for preschoolers to over \$20,000 for infants. While these costs vary in relation to center size, staffing patterns, and geographic location, quality child care will always be expensive, even prohibitive to many families.

Under provisions of the Tribble Amendment (40 U.S.C 590, formerly 490b), Federal agencies are authorized to provide space for child care centers for Federal families without charge for rent or services. Even with operating costs thus reduced, the cost of onsite child care remains high and, for some Federal families, unaffordable.

Costs remain high, because the major expense for child care centers is staff salaries and benefits, which cannot be paid with appropriated funds. Child care centers depend primarily on parent-paid fees for staff salaries and benefits. Salary costs are related to specific staff-to-child ratios for good care. For example, infants generally require nearly three times more staff than preschoolers. In addition, quality care requires recruiting competent, well-trained staff and retaining them with good salaries, benefits, and working conditions. Where child care is inexpensive, a direct link exists between low staff salaries and high staff turnover. Inferior care for children is the direct result.

A major goal for federally sponsored centers should be to increase the affordability of onsite child care for as many Federal families as possible by providing tuition assistance. Fundraising is the major mechanism for raising tuition assistance dollars.

The success of fundraising within an agency is inextricably linked to the sponsoring agency's view of the center and of child care as a whole. Agency employees will be more likely to support a center's fundraising if they support the center's program, value its mission, believe it provides a valuable service to Federal employees, and believe that dollars raised will directly benefit families who otherwise might not be able to afford an agency's onsite child care.

Word of mouth about a center will play a major role in developing positive perceptions among agency employees. To develop and maintain agency support, the center must provide a high-quality program, advertise its mission and program, and maintain constant, positive visibility.

Parent and public education is critical to gaining support for fundraising. A board that actively promotes a center has the opportunity to increase public awareness of onsite child care as a viable option for families. Public perceptions will directly affect the support--or lack of support--for all fundraising efforts. Remember: agency employees are willing to support quality programs that promote laudable goals.

## **SECTION 2**

### **LEGAL CONSIDERATIONS**

A child care center, through its board of directors or non-profit parent organization, can conduct a wide range of fundraising activities on and off Federal property if the activity meets certain criteria and if certain procedures are followed. In this section, different types of fundraising events authorized on Federal property, advertising, permitting, and certain IRS requirements are discussed. In many cases a GSA form 3453 will be required for approval from the building manager, it can be found at: <http://www.gsa.gov/portal/forms/download/114894>.

### **AUTHORIZED FUNDRAISING ACTIVITIES**

The Public Buildings Cooperative Use Act of 1976, 40 U.S.C 60(a), authorizes fundraising in public areas on Federal property, auditoriums, cafeterias, lobbies, foyers--during and after working hours if the activities can be classified as one of the following:

- Cultural: film, drama, dance, musical, and fine arts programs.
- Educational: library operations, lectures, demonstrations.
- Recreational: athletic events.

Examples of fundraising activities allowable on Federal property include art auctions, talent shows, film presentations, fashion shows, concerts, plays, lectures, dance recitals, book sales, walk/run events (1K, 5K, 10K), "celebrity" athletic events, and sports tournaments.

Fundraising activities that do not fit the definition of a cultural, educational, or recreational activity, are allowable on Federal property if sponsored by on-site child care centers or recognized Federal employee associations ([see 41 CFR 102-74.410 - What is the policy concerning soliciting, vending and debt collection?](#)) Examples include bake sales, jewelry sales, t-shirt sales, employee fairs or bazaars, or cookbook sales.

## **ADDITIONAL REQUIREMENTS**

[41C.F.R. 102-74.395](#) prohibits gambling on Federal property. Gambling includes lotteries, pools, and raffles. To have an event of this type, center parents, board members, and staff would have to sell tickets and hold lotteries, pools, or raffles off Federal property. They are expressly prohibited from selling tickets on Federal property or soliciting Federal employees while on their jobs.

[41C.F.R.102-74.405](#) prohibits the use of alcoholic beverages, except “upon occasions and on property upon which the head of the responsible agency or his or her designee has for appropriate official uses granted an exemption in writing. Contact your agency management and building manager or landlord for guidance before planning a fundraising event at which alcoholic beverages would be served.

## **ADVERTISING ON FEDERAL PROPERTY**

A child care center may advertise its fundraising events on Federal property even if the event itself will be held off Federal property. It may advertise the event by displaying fliers, pamphlets, or posters on authorized bulletin board or distributing materials in Federal building public arena. A permit generally is not required for displaying materials on authorized bulletin boards. Again, consult your agency management and building manager for guidance.

To distribute materials in public parts of General Services Administration (GSA)-controlled buildings, the center must obtain a permit from the buildings manager pursuant to [41C.F.R. 102-74.415](#). Centers in non-GSA space should contact their respective buildings manager for proper procedures.

## **PERMITTING**

Child care centers can conduct fundraising activities in the public areas of Federal buildings at times other than during the Combined Federal Campaign if a permit is obtained from the building manager to use the space. A child care center intending to conduct a specific fundraising event should contact the building manager well in advance for specific permitting instructions. For each fundraising event held in public areas of a GSA-controlled property, child care center representatives must file a permit application with the GSA facility manager (pursuant to [41C.F.R. Section 102-74.465](#)).

To obtain a permit, applicants must submit the following information:

- (a) Their full names, mailing addresses, and telephone numbers.
- (b) The organization sponsoring the proposed activity.
- (c) The individual(s) responsible for supervising the activity.
- (d) Documentation showing that the applicant has authority to represent the sponsoring organization.
- (e) A description of the proposed activity, including the dates and times during which it is to be conducted and the number of persons to be involved.

Additionally, the fundraising organization must submit a signed statement that:

- The applicant is a representative of and will be soliciting funds for the sole benefit of the center.
- The fundraising organization has received an official ruling of tax-exempt status from the Internal Revenue Service under 26 U.S.C 50 or, alternatively, that an application for such a ruling is still in process (pursuant to [41 CFR 102-74.475](#))

If the fundraising organization does not have nonprofit status, it cannot use public space on Federal property for fundraising unless:

- The child care center vendor is incorporated and certified as a tax-exempt organization, or the fundraising organization affiliates with an employee organization which could accept and disburse funds on the center's behalf. (Employee associations and agency volunteer committees can be valuable resources for child care center fundraising activities.)
- It conducts fundraising activities within the licensed assigned child care space. It is not necessary to obtain a permit to conduct an activity within the center's space. (Permits are only granted for the use of public areas of the building and a child care center is not a public area.) When the center receives a revocable license for use of the space within the Federal building pursuant to GSA Form 1582, the center is authorized to conduct whatever activities are stipulated and necessary to pursue the purpose of the license and required to comply with all rules, orders, regulations and requirements of the Government.

A child care center organized on a for-profit basis is not allowed to fundraise for its own operations even within the child care center.

## **IRS REQUIREMENTS**

Certain IRS regulations apply for nonprofit organizations conducting fundraising activities. Your tax consultant or account can provide information pertinent to your center's situation.

The IRS requires fundraising sponsors to tell donors how much of their donation is tax deductible--the portion of the donation that actually benefits the center. This means that the cost of food, beverages, or to gifts received in return for the donation must be subtracted from the donation amount and must not be claimed as a tax deduction.

Several general rules apply:

- The cost of raffle tickets (which may not be sold on Federal property) is not tax deductible--the donor is purchasing the right to win something, which is not considered a donation.
- IRS generally rules that if a donor pays at least \$25 and receives a token (t-shirt, coffee mug) costing less than \$5 in return, the full \$25 is considered a tax deduction.
- Generally, if the price of a fundraising item represents its fair market value, such as a cookbook, no part of the purchase price is considered tax deductible.

Child care centers contemplating fundraising activities might want to consult two IRS publications for details:

- Publication No. 557, Tax-Exempt Status for Your Organization
  - Publication No. 1771, Charitable Contributions
- Download copies at: [www.irs.gov](http://www.irs.gov)

## **STEPS TO FUNDRAISING SUCCESS**

Fundraising for child care can be rewarding, profitable, and fun! The keys to success are clear goals and an organization and volunteers who believe in the mission of the center and the fundraising purpose.

This section describes a step-by-step approach to successful fundraising. These steps are:

1. Set goals
2. Choose events and assess feasibility
3. Assign responsibility

4. Conduct your event
5. Evaluate the event's success
6. Provide feedback and thank participants

## **1. SET GOALS**

Setting 1- and 5-year goals will help you decide how much effort you need to devote to fundraising and which activities will be most appropriate. Planning ahead also allows you to capitalize on past successes--and avoid the not-so-successful events. To help you set goals, ask yourselves:

- How much do we want to raise? Is it feasible? Consider the talents, experience, availability, and numbers of your volunteers and your center's fundraising track record.
- Be realistic. What will we use the money for--will our volunteers be excited about this purpose?

Volunteers and contributors are more likely to want to participate in fundraisers for things like tuition assistance, training or enrichment programs than for reducing overhead or building a contingency fund. Tuition assistance should be the primary goal.

Be thoughtful and explicit, and let your purpose be well known.

Can we repeat successful past events? Or do we need something new? Repeat your past successes. Even the small ones--you can reduce your planning time, costs, and risks. Learn to recognize a "tired" event and avoid repeating it.

## **2. CHOOSE EVENTS AND ASSESS FEASIBILITY**

Select several possible events and assess feasibility before choosing one. Sample fundraising events are described in the appendix. Review the following for each event:

- Estimate the amount of profit the event will produce. One big event usually requires more upfront money but may be worthwhile in the revenue it produces for the effort required.
- Assess the amount of time, money, and human and physical resources the event

will require. Assess the willingness of volunteers to work on such an event. Determine if the goal of the event is reasonable given the available resources.

- Consider whether volunteers will enjoy working on the event. Many fundraisers attract numerous volunteers because it is widely known that the volunteers have fun during planning.
- Consider your organization's nature or culture when choosing an event. Ask whether the event is appropriate for the potential audience.
- Determine if the event is well timed. Avoid conflicts with other organizations. Try to link the event to special events such as Public Service Recognition Week, Black History Month, and other agency activities.
- Identify individuals who have had experience in their churches or communities with other fundraisers. They may be willing to conduct the same fundraiser for your organization.

### **3. ASSIGN RESPONSIBILITY**

Once goals are set, you are ready to assign fundraising responsibility. You may use:

- The full board
- A fundraising committee responsible for all events
- A committee appointed for one event

You may want to assign long-range planning responsibilities to the full board, but divide short-term responsibilities by event. Remember that the primary role of center directors and staff is caregiving--not fundraising. They are appropriately involved in fundraising only as far as the children are involved. If the fundraising event is a holiday pageant or puppet show, director and staff involvement is appropriate.

Annual events that are successful tend to be anticipated by the Federal community. You may want to plan one annual, repeat event that will be anticipated every year, such as selling holiday gift wrapping paper every November. A few smaller events could then vary year to year. Avoid planning numerous small events, however--you will wear out your welcome with volunteers and supporters!

Remember to delegate! If everyone does a little, no one does a lot.

#### 4. CONDUCT YOUR EVENT

As you plan, organize, and conduct your event, keep the following in mind:

- Early contact with your buildings manager is critical. Buildings managers can help with a number of things, including timing, agency requirements, and set up for complicated events.
- Timing: Buildings managers normally maintain annual agency calendars and can help you make wise scheduling decisions. With early review of the agency calendar, you can time your bake sale to avoid conflicting with similar events. You may also capitalize on complementary events, such as selling pizza slices at the same time another group is having a book fair.
- Agency Requirements: Buildings managers can also help assure full compliance with building requirements, and you can avoid last-minute surprises. For example, permits are required for fundraising events held on GSA-controlled property; see the discussion of permitting in Section 2.
- Check with him or her before making time and money commitments.
- Event Set Up: Buildings managers often are experienced in successfully setting up complicated events, like auctions or large book fairs. Capitalize on this experience. A supportive building manager is an important asset; a good relationship is worth cultivating.
- Involve agency leadership. Before you set dates, check with agency management for scheduling conflicts. Invite your agency director to buy the first poinsettia for your annual sale or sell chili at noon. Remember to take pictures for future publicity! Also, contact your agency's national and regional leadership for information about visiting dignitaries. Top management support offers a tremendous opportunity for increasing center visibility and advertising fundraising events.
- Provide clear and simple directions to all volunteers. Hold an organizing committee meeting initially to assign tasks; avoid having too many meetings. One month before the event, hold a status meeting to share what has been accomplished and what needs to be done. Just before the event, hold a final meeting so that all directions are clear and last-minute details can be addressed.
- Keep clear and accurate records. These are invaluable as you evaluate your

event's success and plan for future events. Include specifics: telephone numbers, problems, key volunteers, recommendations.

- Advertise aggressively. Use eye-catching well-written materials that explicitly state who is sponsoring the event, what is planned, and the event's purpose (who or what will benefit). If funds are to be used for tuition assistance, let it be known that your goal is to increase the number of families that will benefit.
- Advertise in your agency or employee association newsletter, and notify your agency's volunteer committee. Look for creative advertising sources: bulletin boards outside your building, other centers, and private companies. Some children enrolled at the center may be from non-Federal families. Be sure to send announcements of upcoming events to their parents' employers.

As you advertise, remember that your materials also advertise your center--take advantage of opportunities to display your center's logo, include photographs of children in action, or briefly highlight your program. Use all opportunities to enhance your center's visibility.

- Involve agency volunteer committees or employee associations. They probably have fundraising experience and may even offer to help or let your center participate in their events.
- Collect money before giving out merchandise. This will reduce your risks and eliminate embarrassing collection efforts on the part of your volunteers.
- Take photographs. Pictures of key parts of the event are useful for publicizing future events or thanking contributors and volunteers.
- Keep careful records of money spent and received. You may want to consider separating accounting duties to avoid one person having too much responsibility. For example, a volunteer selling tickets to an event would submit a written account of money received, a second person would receive and verify the amount, and a third person would deposit the money.

## **5. EVALUATE THE EVENT'S SUCCESS**

Take time after your event to evaluate its success. Put your comments in writing--be brief. Include details you think may be useful in the future: telephone numbers, dollars spent and earned problems, key volunteers, and recommendations. In evaluating your

event, consider these questions:

- Did volunteers and contributors have a good time?
- Did you raise as much money as you hoped
- Was the effort expended worth the benefit received?
- Do you recommend repeating the event? If so, what would you do differently? If not, why?

This kind of information can be extremely valuable to future event planners as they decide how to most effectively use their available resources.

## **6. PROVIDE FEEDBACK AND THANK EVERYONE**

Let your volunteers and contributors know how they did! You might consider preparing follow-up posters to let everyone know how much money was raised, what it was used for, how many donuts were sold, or how many people attended your wine-tasting party. Write a brief article highlighting the event for your agency or employee newsletter. People will be more inclined to participate in future events if you take time to provide feedback. These opportunities for feedback have the secondary benefit of positively enhancing your center's visibility.

Thank your volunteers and contributors. Try to be as personal as possible with key persons--handwritten notes from the board president or fundraising committee chair, children's artwork accompanied by their thanks, and/or telephone calls. Although ambitious, you may consider compiling a computer mailing list of all contributors and sending each a letter.

## **FUNDRAISING IDEAS**

Many fundraisers will tell you to have one or two large fundraisers a year that will garner the majority of your fundraising dollars. If you have a Board or Fundraising team that is also willing to do a few small events as well - sometimes these small events become a culture within the community - a few ideas are below.

The fundraising ideas in this appendix come from child care centers across the country and several Federal agencies. They range in complexity and income-generating potential from an ongoing aluminum can drive and "spare change" day to a walk-a-thon and a silent auction.

Less complex events appear first, followed by events that require considerably more planning, advance funding and coordination than others--and offer greater income potential. If your volunteer group is new to fundraising, you might want to start with the less complex events. As you gain experience, you can move to the events that will probably generate more income, but will require more effort.

These ideas are presented to get you started on your way to successful fundraising. You will want to tailor them to your agency and your center's situation--the amount of money you want to raise, volunteer talent available, timing, and experience.

A lot of additional fundraising ideas and companies can be found by doing a search on the internet using fundraising as a key word.

### **“SPARE CHANGE” DAY**

Potential Income: This event could generate hundreds of dollars with clever advertising and aggressive volunteers!

What You Will Need:

- Large posters advertising the event.
- Attractive containers for spare change.
- You may want to develop a sticker or button to give donors.

You Will Need Volunteers To:

- Collect spare change.
- Reconcile cash and checks (receive, count, deposit).

Timing:

- Noon near cafeteria, elevators, or front lobbies where people gather.
- Anytime after a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

#### Tips for Success:

- Try to develop a catchy theme or slogan to interest people.
- Volunteers collecting spare change could wear reader boards or center t-shirts to call attention to themselves.
- Call volunteers several days before the event to remind them what they offered to do or donate.
- Give donors a sticker or button as a “thank you. for supporting the center.
- Obtain necessary building and agency approvals.

## **BAKE SALE**

Potential Income: Approximately \$100-\$150 per sale with at least 50 donated items.

#### What You Will Need:•

- Poster for signing up--place strategically in center. You may want to include categories to ensure range of items (pies, cakes, coffeecakes...).
- Donated baked goods. • Tables and table cloths to display goods.
- Napkins, paper plates, and plastic wrap (to divide items if necessary).
- Coffee and supplies if selling coffee.
- Cash box with adequate change supply.
- Refrigerator to store donated items overnight.

### You Will Need Volunteers To:

- Prepare and monitor sign-up poster.
- Bake, set up, and sell items.
- Reconcile cash and checks (receive, count, deposit).
- Clean up and take care of unsold items.

### Timing:

- Holidays or special events (Valentine's Day or Halloween cookies, Thanksgiving pies).
- If selling coffee break items (donuts or individual portions of cookies or coffee cake), set up early in the morning near a major building entrance or near an elevator where people wait. Sell coffee, too!
- Noon.
- After a Federal payday

### Publicity:

- Fliers and posters strategically placed around the building
- Multiple copies of a flier for parent mailboxes
- Agency or employee association newsletters

### Tips for Success:

- Ask agency leaders to sell baked goods!
- Ask volunteers to deliver baked goods the day before your event (refrigerate if necessary); your setup will be more organized.
- Develop a price list and prepare price stickers before your event to make set-up easier.
- Adopt a theme--baked goods for an upcoming holiday or mid-morning coffee break.
- Call volunteers several days before the sale to remind them what they offered to do or

donate.

- Obtain necessary building and agency approvals.

## **CALENDAR SALE**

Potential Income: Depends on cost of purchased or specially--created calendars and related costs, your markup, and number sold.

What You Will Need:

- Purchased calendars, which may require up-front money. This approach is less ambitious than creating a calendar (such as with child art or photos taken within the center). OR
- Calendar prepared by volunteers.
- If calendars are sold at a table within the building, cash box with adequate change supply.
- Information packet for volunteers selling calendars outside of the building.

You Will Need Volunteers To:

- Coordinate the event, if purchasing a ready-made calendar.
- Plan, design, collect art or photos, print, assemble, distribute if creating a calendar (such as with children's art).
- If selling calendars at a table in the building:
  - Coordinate, set up, and sell calendars.
  - Reconcile cash and checks (receive, count, deposit).
  - Clean up and take care of unsold calendars.
- If selling calendars outside the building:
  - Coordinate and sell.

-Prepare an information packet for sellers.

-Reconcile cash and checks (receive, count, deposit).

Timing:

- November and December for the coming year.
- If sold within the building, set up table at noon when people gather.
- After a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success:

- Try to take orders before spending money.
- Your agency may donate printing and binding services.
- Call volunteers several days in advance of deadlines to remind them what they offered to do or donate.
- Obtain necessary building and agency approvals.

## **DONUT, POPCORN, HOT DOG, CHILI... SALE**

Potential Income: Depends entirely on costs, markup, and quantity sold. The more you can get volunteers to donate, the greater your profit percentage. These items are good for sales, because they are generally easy to prepare and not complicated to sell.

What You Will Need:

- Up-front money for items to be purchased.
- Items to be sold. Try to keep things simple.
- For donuts: purchased donuts, napkins, coffee and supplies.
- For popcorn: purchased ready-popped corn or suppliers to make popcorn (cookers and electrical outlets, kernels, oil, containers, salt or toppings, napkins), containers, beverages.
- For hot dogs: hot dogs, buns, condiments, napkins, paper plates, grill or other way to cook hot dogs, electrical outlets, beverages, chips.
- For chili: purchased or prepared chili, electrical outlets, large pots for heating chili, corn bread or other bread (butter), bowls, spoons, beverages, serving utensils.
- Trash receptacles, cleanup supplies.
- Sign-up poster for volunteers to contribute items.
- Tables and table cloths to display goods.
- Cash box with adequate change supply.
- Refrigerator.

You Will Need Volunteers To:

- Prepare and monitor sign-up poster.
- Take advance orders (for donut sale).
- Donate or prepare items.
- Pick up and deliver any purchased items.
- Sell and cleanup.
- Reconcile cash and checks (receive, count, deposit).

#### Timing:

- Early morning (for donuts) and noon (for chili, hot dogs, popcorn).
- After a Federal payday.

#### Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

#### Tips for Success:

- Ask agency leaders to sell.
- Ask volunteers to deliver items the day before your event (refrigerate as necessary); your setup will be more organized.
- Price items before your event to make set-up easier.
- Call volunteers several days before the sale to remind them what they offered to do or donate. •

Obtain necessary building and concessionaire approvals.

### **GIFT WRAP SALE**

Potential Income: Some gift wrap distributors will return 50 percent of total sales. This event could generate hundreds of dollars.

#### What You Will Need:

- An arrangement with a gift wrap distributor to provide certain items gift wrap, ribbon, gift tags) at an agreed-upon cost. The distributor likely will provide promotional materials and order forms. Gift wrap distributors include Innisbrook Wraps, Inc., in Greensboro, North Carolina [1(800)334-8461] and Current Catalog in Colorado Springs, CO [1(719)594-4100].
- If gift wrap orders are taken at a table within the built cash box with adequate change

supply (request checks rather than cash) and table, chairs, and promotional materials.

You Will Need Volunteers To:

- Take orders.
- Reconcile cash and checks (receive, count, deposit).
- Staff a table, if selling gift wrap within the building .

Timing:

- October and November for end-of-the-year holidays.
- If sold within the building, set up table at noon every day for a week at a place or places where people gather.
- After a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success:

- Collect checks (try to avoid cash) when receiving an order. This eliminates potential collection and nonpayment problems.
- Set a deadline, and call volunteers a week before to remind them that final orders are due.
- Obtain necessary building and agency approvals.

## **T-SHIRT SALE**

Potential Income: Depends on costs, your markup, and number sold. By purchasing in

quantity and keeping all other costs low, you may be able to earn a profit of about \$5 per t-shirt sold.

#### What You Will Need:

- Arrangement with a t-shirt distributor to supply t-shirts.
- Sample t-shirts in all sizes offered.
- If t-shirt orders are taken at a table within the building, cash box with adequate change supply (request checks rather than cash) and table, chairs, and promotional materials.

#### You Will Need Volunteers To:

- Design t-shirt, unless distributor offers this service.
- Take orders.
- Reconcile cash and checks (receive, count, deposit).
- Staff a table, if taking t-shirt orders within the building.

#### Timing:

- Beginning of school through the December holidays.
- If sold within the building, set up table at noon every day for a week at a place or places where people gather.
- After a Federal payday.

#### Publicity:

- Fliers and posters strategically placed around the building. Posters should display a drawing of the t-shirt.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

### Tips for Success:

- Collect checks (try to avoid cash) when receiving an order. This eliminates potential collection and nonpayment problems.
- Set a deadline, and call volunteers a week before to remind them that final orders are due.
- Obtain necessary building and agency approvals.

### **SALE OF ITEMS FROM FUNDRAISING CATALOG**

Potential Income: Depends entirely on how much you sell and what percentage you negotiate with the distributor. This fundraising event involves minimal coordination, and the items usually sell well.

### What You Will Need:

- Arrangement with Current\* (The Current Building, Colorado Springs, Colorado, 80941) or similar companies which publish a catalog with wrapping paper, stationery, cards, and miscellaneous seasonal items.
- If orders are taken at a table within the building, cash box with adequate change supply (request checks rather than cash) and table, chairs, and promotional materials.

### You Will Need Volunteers To:

- Take orders.
- Reconcile cash and checks (receive, count, deposit).
- Staff a table, if taking orders within the building.

### Timing:

- October and November for December holidays or anytime.
- If sold within the building, set up table at noon every day for a week at a place or places where people gather.

- After a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success: • Collect checks (try to avoid cash) when receiving an order. This eliminates potential collection and nonpayment problem.

- Set a deadline, and call volunteers a week before to remind them that final orders are due.
- Obtain necessary building and agency approvals.

\* The Office of Child Care does not endorse or recommend any catalog company over another. This information is provided as a service, encouraging awareness of alternatives in company selection

## **BOOK SALE**

Potential Income: A local children's bookseller might be willing to donate up to 20 percent of the sale price of books purchased over a certain period of time. You may be able to negotiate a cash payment instead; otherwise, you could use the 20 percent credit to purchase books for your center. One option is to have an open house at the bookseller's and serve simple refreshments like cheese and wine.

What You Will Need:

- Arrangement with a children's bookseller.
- Invitations if you hold an open house.

You Will Need Volunteers To:

- Negotiate with a children's bookseller.

- Send invitations.
- Plan, prepare, purchase, and serve refreshments and clean up.
- Reconcile cash and checks (receive, count, deposit), unless the bookseller does this.
- Select appropriate children's books for the center if the bookseller returns your profit as a store credit.

#### Timing:

- An evening in early December or the beginning of the school year. Maybe repeat the event the following Saturday morning.
- After a Federal payday.

#### Publicity:

- Invitations.
- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

#### Tips for Success:

- Try to negotiate with the bookseller to conduct all business. This eliminates your need to handle books and money. Your responsibilities then would primarily be advertising and serving refreshments.
- Call volunteers several days before the event to remind them what they offered to do or donate.

### **SALE OF VARIOUS ITEMS SUPPLIED BY FUNDRAISING COMPANIES**

Potential Income: Proceeds from the sale of candy, holiday items, and flowers purchased from fundraising companies will vary depending on the percentage return you negotiate with the company and the dollar amount of items sold. This type of

fundraiser generally is low risk, because orders are taken and money is collected before items are delivered; no advance purchases are necessary.

What You Will Need:

- Arrangement with a distributor.
- If orders are taken at a table within the building, cash box with adequate change supply (request checks rather than cash) and table, chairs, and promotional materials.

You Will Need Volunteers To:

- Negotiate with a distributor.
- Reconcile cash and checks (receive, count, deposit).
- Staff a table, if taking orders within the building.

Timing:

- Anytime, or around a holiday if selling seasonal items
- After a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success: • Collect checks (try to avoid cash) when receiving an order. This eliminates potential collection and nonpayment problem.

- Set a deadline, and call volunteers a week before to remind them that final orders are due.
- Obtain necessary building and agency approvals.

## **CHRISTMAS TREE SALE**

Potential Income: Depends on cost of trees and related costs, your markup, and number sold. This event could generate considerable income, but risks are high and much effort is required.

What You Will Need:

- Good supply of Christmas trees (varying sizes). Try to negotiate a wholesale price to allow for a good markup.
- Optional: tree stands, saws, lights, other related items.
- Secure outdoor space to display trees; lights and a tent are necessary if you want to sell trees in the evenings.
- Cash box with adequate change supply.

You Will Need Volunteers To:

- Coordinate and order trees and related items.
- Coordinate volunteer selling schedule.
- Set up selling space and price trees.
- Sell trees (weekdays, evenings, and weekends).
- Reconcile cash and checks (receive, count, deposit). Clean up periodically and at the end of the sale.

Timing: • Christmas season.

Publicity:

- Well-lit and signed selling area.
- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.

- Agency or employee association newsletters.
- Public Service Announcements over local radio stations.

#### Tips for Success:

- Advertise early so people can plan on buying their trees. You likely will have to pay for trees before selling them, so early advertising is especially important.
- Make sure you have enough volunteers to sell the trees. It often is difficult to get volunteers for weekends and evenings.
- Call volunteers several days in advance to remind them what they offered to do or donate.
- Obtain necessary building or agency approvals.

## **TICKET SALES FOR ATHLETIC OR CULTURAL EVENTS**

Potential Income: Depends on the number of tickets sold, the frequency of the event, and the event itself. Centers have reported profits of \$2000 from ticket sales.

#### What You Will Need:

- A local athletic team or fine arts organization that will sell group tickets at a discount.

#### You Will Need Volunteers To:

- Obtain schedule of athletic or other local events.
- Contact teams, fine arts organizations, or ticket offices to purchase tickets.
- Sell tickets (if tickets are to be sold in the building lobby, you will need table(s), chairs, cash boxes).
- Reconcile checks and cash (receive, count, deposit).

Timing: Well in advance of the event.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips For Success:

- Market the event as an office get-together.
- Make this an annual event that participants can anticipate on a regular basis.
- Prepare colorful posters. Some athletic clubs and entertainment organizations will provide publicity materials.

## **FRIENDS CAMPAIGN**

Potential Income:

Depends on the monetary increments of “friends” (i.e., “Good Friend,” “Best Friend,” etc.) contributions.

What You Will Need:

- Up-front money to purchase buttons.
- Distributor to obtain buttons to give to contributors signifying their level of contribution.
- Large posters advertising the campaign.
- Tables, chairs and cash box with adequate change supply.

You Will Need Volunteers To:

- Contact distributor to design and obtain buttons. A volunteer can design your button.

- Staff a table during campaign.
- Reconcile checks and cash (receive, count, deposit).

Timing: -

- After a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of fliers for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success:

- Ask agency head to kick-off campaign as “first friend.”
- Ask “friends” to wear their button during the duration of campaign.
- Ask parents of children enrolled in the center to become “friends” and recruit others to do the same.
- Hold parent education classes during a lunch and suggest that participants become friends of the center.
- Set up a “friends” table during fundraising events. Include center brochures and a display of photographs of the center.

## **COOKBOOK SALE**

Potential Income: Depends on cost of developing cookbooks, related costs, your markup, and number sold. This event could generate considerable income, but much effort and time are required, especially if you prepare your own cookbook.

What You Will Need:

- A publishing company willing to prepare a cookbook from your recipes OR
- A cookbook prepared by volunteers (perhaps your agency will donate printing and binding services).
- Donated recipes.
- If cookbooks are sold at a table within the building, cash box with adequate change supply, table, table covering, sample cookbooks, chairs.

You Will Need Volunteers To:

- Coordinate the preparation of the cookbook, from soliciting recipes to negotiating with a publishing company OR
- Plan, design, collect recipes, print, assemble, distribute if creating a cookbook.
- If selling cookbooks at a table in the building:
  - Coordinate, set up, and sell cookbooks.
  - Reconcile cash and checks (receive, count, depot.
  - Clean up and take care of unsold cookbooks.
- If selling cookbooks outside the building:
  - Coordinate and sell.
  - Prepare the information packet for sellers.
  - Reconcile cash and checks (receive, count, deposit).

Timing:

- Anytime.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success:

- Try to take as many orders as you can before spending money.
- Your agency may donate printing and binding services.
- Call volunteers several days in advance to remind them what they offered to do or donate.
- Develop a catchy brochure requesting that people donate recipes. Consider having a theme: regional foods, family favorites, holiday foods.

## **FASHION SHOW AND LUNCHEON**

Potential Income: Many factors affect potential income. Your income will be greater if you can get volunteers to donate food and prepare the lunch rather than having lunch catered or served in a restaurant. You can either arrange with a store to supply clothes to be modeled or have volunteers model their own clothes.

What You Will Need:

- Clothes to be modeled and models.
- Arrangement with a caterer or restaurant OR
- Volunteer-prepared lunch and all related supplies (tables, chairs, tableware).
- Large space (with complete kitchen if volunteers are preparing lunch).
- Sign up poster for volunteers to contribute items.
- Tickets.
- Cash box with adequate change supply for last-minute ticket purchases.

#### You Will Need Volunteers To:

- Prepare and monitor sign up poster.
- Sell advance tickets.
- Donate or prepare items.
- Coordinate with restaurant or caterer.
- Coordinate modeling (who, source of clothes).
- Help on the day of the fashion show (master of ceremonies, collect tickets, serve lunch, clean up).
- Reconcile cash and checks (receive, count, deposit).

#### Timing:

- Lunchtime (11:30 a.m.-1:00 p.m.)
- After a Federal payday.

#### Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.
- Public Service Announcements over local radio stations.

#### Tips for Success:

- Develop a theme (holiday clothes, active wear, new seasonal clothes).
- If your attendance will be high, notify the building cafeteria so they will not overcook for the day.
- Ask volunteers to deliver items the day before your event (refrigerate as necessary); lunch preparation will be more organized.
- Call volunteers several days

before the event to remind them what they offered to do or donate. • Obtain necessary building and agency approvals.

## **GOLF OUTING**

Potential Income: If you sell each golf hole to a sponsor (for \$100), arrange for no-cost or low-cost greens fees with a golf club, and charge players a \$25 greens fee, you could clear close to \$2,000. Your profit will depend on what else you provide: lunch, refreshments, prizes, token gifts (t-shirts). The more you can get volunteers to donate, the greater will be your profit.

What You Will Need:

- A golf course that will donate the cost of greens fees.
- Signs at each hole advertising the sponsoring organization.
- Prizes or gifts--possibly donated--by area businesses.
- Tickets.

You Will Need Volunteers To:

- Solicit organizations to sponsor golf holes and donate prizes.
- Sell tickets to golfers.
- Organize playing times and groups.
- Make a sign for each hole. Prepare score chart and award prizes.
- Help on the day of the event.
- Reconcile cash and checks (receive, count, deposit).

Timing:

- During golfing weather.
- After a Federal payday.

### Publicity:

- Fliers and posters strategically placed around the building and at the golf club.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.
- Public Service Announcements over local radio station:

### Tips for Success:

- The success of this event hinges on how much you can go organizations to donate, how much you will have to pay the golf club, and how many players you can get. Active soliciting is crucial.
- Call volunteers several days before the event to remind them what they offered to do or donate.
- Obtain building and agency approvals.
- Written agreement with prize donors.

## **SILENT AUCTION**

Potential Income: The income potential is great, but this event takes considerable work.

### What You Will Need:

- Donated items and services to be auctioned, such as: jewelry, art, books, items from local businesses, tickets to events, time with top management (lunch, meeting), services (haircuts, manicures, photography, catered dinner), get-away weekends, restaurant meals, lessons (golf, tennis).
- List of donated items so that people can prepare sealed bids.
- Facility and refreshments if you are planning a party at which bids would be opened.
- Need security for items on display and locked storage box.

- Table and chairs for taking sealed bids.

You Will Need Volunteers To:

- Solicit services and items.
- Solicit bids and payment.
- Receive and distribute items to winners.
- Coordinate with restaurant or caterer if a party is planned.
- Help on the day of the event (host, serve food, open bids).
- Reconcile cash and checks (receive, count, deposit).

Timing:

- Anytime.
- After a Federal payday.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success:

- Display bid sheets at a centrally located table at noon for a week.
- The key to this event's success is the appeal of the items and services. Be creative in soliciting donations.
- Call volunteers several days before the event to remind them what they offered to do or donate.

- Obtain building and agency approvals.

## **WALK—A—THON**

Potential Income: Depends on how many participants you have and how many sponsors you can solicit. One child care center raised over \$12,000.

What You Will Need:

- Sponsor sheets for walkers.
- A predetermined, well-marked course with vehicular traffic limited.
- Cups and water along the course.
- Prizes or other form of recognition;
- “Numbers” for walkers to wear.

You Will Need Volunteers To:

- Sign up sponsors, walk, and collect donations.
- Sign up walkers and distribute sponsor sheets.
- Lay out course and arrange with local police for limited vehicular traffic.
- “Start” the walk-a-thon (top agency manager?) and greet finishers.
- Help on the day of the event (take care of water and cups, clean up)
- Arrange to have a nurse or paramedic on site to treat any injuries.
- Reconcile cash and checks (receive, count, deposit).

Timing:

- Anytime during pleasant weather.

- Noon.
- After a Federal payday.

#### Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.
- Public Service Announcements over local radio stations.

#### Tips for Success:

- Your agency might grant clearance for administrative leave for walkers.
- Assure that walkers do not solicit contributions from subordinates. Sponsorship for superiors can be solicited by subordinates as long as names are kept confidential.
- Collect donations as soon as the event is completed. Set a deadline.
- Call volunteers several days before the event to remind them what they offered to do or donate.
- Obtain building and agency approvals.

## **VALENTINE DELIVERY**

Potential Income: Depends on costs, markup, and quantity sold. The delivery can include handmade cards, or flowers. A booth is set up several prior to delivery date for the sale of items. On the delivery date, the children, accompanied by a teacher, deliver the items.

#### What You Will Need:

- Arrangement with a florist wholesaler or retailer to provide flowers.
- Staff to assist the children in the creation of cards.

- If orders are taken at a table within the building, cash box with adequate change supply (request checks rather than cash), table, chairs, and promotional materials.

You Will Need Volunteers To:

- Negotiate with florist vendor or assist teachers and children with the cards.
- Reconcile cash and checks (receive, count, deposit).
- Staff a table, if taking orders within the building.

Timing:

- After a Federal payday the sale of the items should begin.

Publicity:

- Fliers and posters strategically placed around the building.
- Multiple copies of a flier for parent mailboxes.
- Agency or employee association newsletters.

Tips for Success:

- Collect checks (try to avoid cash) when receiving an order. This eliminates potential collection and nonpayment problems.
- Set a deadline, and call volunteers a week before to remind them that final orders are due.
- Obtain necessary building and agency approvals.

# **APPENDIX F: TUITION ASSISTANCE GUIDE**

## **GENERAL GUIDELINES FOR TUITION ASSISTANCE PROGRAM**

### **INTRODUCTION**

A major emphasis in child care programs for children of Federal families is to provide care for employees from all grade levels. Equity can be addressed through active fundraising and tuition assistance programs. Most fundraising efforts, in fact, should be targeted for the tuition assistance program.

Tuition assistance is generally offered as a partial reduction in tuition fees. The amount of the reduction will depend on monies available as well as the financial situation of the individual family who applies.

Fundraising for the tuition assistance program is conducted by the Board of Directors. It is imperative that the program is well-publicized throughout the agency or agencies and potential applicants know how and where to make application.

The following sections describe the establishment of the review committee, developing guidelines, the application and review process, record-keeping, and publicizing the program.

### **STEP 1: ESTABLISHING THE REVIEW COMMITTEE**

Tuition assistance administration should be delegated by the Board to a committee. The size of the committee should be relatively small (3-5 members) to facilitate attendance at meetings, and should have an odd number of members to prevent tie votes. In determining committee composition, the Board might consider some of the following options:

1 The Treasurer of the Board may sit on the committee, or may choose to have the committee report to him/her. If the Treasurer does not sit on the committee, another Board member can volunteer or be appointed to represent the Board.

2 A financial officer of a bank or credit union can add a professional perspective on the

applications due to experience with loan applications. He/she can help determine those applicants who, even with assistance, are poor credit risks for the center.

3 A member of the sponsoring agency who does not have children attending the center may be invited to be a member. If the center uses Combined Federal Campaign (CFC) contributions to help fund tuition assistance, an agency representative in the campaign may wish to help the committee.

4 The Director of the Center may sit on the committee as a non-voting member to give counsel regarding the families and any other information pertinent to the applications.

## **STEP 2: DRAFTING OPERATIONAL GUIDELINES**

The committee should draft a set of guidelines for reviewing the applications which can be kept on file in the office for parents to review. The guidelines should include:

- \*Purpose of the program
- \*Eligibility
- \*Terms of assistance
- \*Composition of the committee
- \*Application process
- \*Review procedures
- \*Notification and Appeal Process
- \*Circumstances for termination of tuition assistance

## **STEP 3: APPLICATION AND REVIEW PROCESS**

The Application. A sample application and cover letter are included in this section for your information. It is important that applicants understand that required documentation must accompany the application or the application will not be considered. Incomplete information slows down committee decisions by requiring additional meetings.

**Confidentiality:** All persons involved in the tuition assistance process must understand that applicants are sharing confidential information, and therefore, expect to have their applications treated with discretion. No one receiving the applications such as office personnel, director and committee members must never divulge any information related to tuition assistance. To safeguard the information, the center may wish to consider the following precautions:

1 When applications are accepted in the center office by the Director, she should place them in a locker file cabinet or safe, before and after review.

2 All information identifying the family and child should be removed from the application and support documents. Applications should be reviewed by the committee without identifying the child/family's name. Applications can be coded with an identifying number by the director or other person not involved with the committee's decisions.

3 Board members not sitting on the committee as well as teaching staff in the center should not have access to any internal information related to tuition assistance.

### **The Review Process**

1. Committee meetings can be scheduled to prepare for major enrollment periods in the center's yearly program; for example, in July for fall enrollment, and/or in April for summer enrollment. If the Board designates a certain percentage or amount of available assistance funds for emergency needs (such as a radical decline in family income), there should be provision for calling an emergency session of the committee.

2 Review of the applications should take place within a reasonable period of time after the application deadline. For example, if applications must be in by July 1, the committee should review applications within one to two weeks after the deadline.

3 Review criteria should be explained clearly to applicants in the application materials. These criteria may include such factors as

\*Family income;

\*Discretionary income;

\*Family size (minor and adult dependents);

\*Family expenses;

\*Assets and liabilities;

\*Relative need among applicants;

\*Number of applicants;

\*Economic impact on the center;

\*Any other special qualifications, such as donations for a designated classification of applicant (scholarship for a union member's child; donation to assist a single parent from a sorority or fraternity, etc.).

4. The committee may reserve the right to ask for additional information or clarification from an applicant. Anonymity can be preserved by channeling such requests through the director.

5. Awards. The amount of tuition assistance awarded any family should be a percentage of the child's fees. [The family must contribute toward the children fees to the extent that they are able to do so.] The percentage range of award should be decided by the Board of Directors on recommendation of the committee.

Other factors which affect the amount of award include:

\*Discounts for siblings; \*Movement of a child from one fee category to another; \*Length of time tuition assistance is needed.

EXAMPLE 1: If the family of an infant receives a discount of 20% on a fee of \$130/week, the discount would be \$26, resulting in a fee of \$104/week. If the child moves into another fee category within the period of the award (to a rate of \$115), the award should be adjusted by the committee. The family is not automatically entitled to a 20% discount.

EXAMPLE 2: An applicant family may already be enrolled in the program but may be going through a period of unemployment for one of the parents. The committee may decide to award a temporary, reduction of 30% for a period of three months with the option to renew the award. This short-term measure will allow the child to remain enrolled, and give the unemployed parent additional time to seek employment.

6. Notification of the committee's decision should be sent from the Board of Directors to

all applicants within two weeks of the meeting. The committee may choose to have the letter constitute an agreement between the family and the center which is then signed and sent back to the office. (See SAMPLE NOTIFICATION LETTER). All applicants not receiving assistance should be given a reason for denying the application.

7. Provision for reconsideration may be granted at the next regular review of applications and the option of adding information to the original application.

1 The Board may reserve the right to review the need for assistance at any time. It is advisable to review applications semi-annually, request current pay stubs and any other significant changes in the application.

2 Any applicant granted tuition assistance should be required to reapply yearly.

#### **Step 4: RECORD-KEEPING**

Storing records. A committee member should be designated to collect all applications from the Director for review, keep them in confidence, and return them to her for filing in a secured location. It is useful to have a record sheet on which is written the date of the meeting, the committee members present, and the disposition of all reviewed applications. The record sheet is filed with the individual file for future committed reference.

Funds. It is advisable that tuition assistance not be issued directly to approved applicants. Instead, the family makes payment in the amount of the reduced tuition. Funds can then be transferred on a regular basis from the tuition assistance account to the center's operating account.

#### **Step 5: PUBLICIZING TUITION ASSISTANCE PROGRAM**

It is important that information regarding tuition assistance be included in any materials which publicize the program. Such materials might include:

- \*Brochures
- \*Application packets
  
- \*Posters and flyers recruiting new families
- \*Parent's Manual

Families should be made aware that applications are always readily available from the office, and that they are welcome to apply at any time.

Publicity should include information which clearly states that proceeds will be used to help families with tuition. If the Center has been able to assist single parent families, that fact should be publicized. If the Center raises tuition assistance funds by participating in the Combined Federal Campaign, and/or sponsors special events such as auctions or sales, the events can help publicize tuition assistance to prospective families as well as to donors.

## **CONCLUSION**

Providing tuition assistance to a sizable number of Federal families should be a goal for every child care center. A minimum of 5% of the gross operating budget is suggested. Tuition assistance programs help to maintain quality centers through quality staffing while, at the same time, insuring accessibility to all families.

# **SAMPLE COVER LETTER TO ACCOMPANY APPLICATION**

## TUITION ASSISTANCE PROGRAM

Dear Parents,

The Board of Directors of (Name of Center) has approved a budget for the Tuition Assistance Program for the period of (Dates). Some financial assistance will be available for families demonstrating financial need.

Financial need will be determined on the basis of family income and expenses, family size, and any extenuating circumstances which impact on a family's ability to pay child care fees. All families with children currently enrolled or those planning to enroll may apply. The center aims to assist as many families as possible within the limitations of the resources available and considering the overall economic impact on the Center. There will be several partial scholarships ranging from (percentages) of the tuition per child. Application and other miscellaneous fees must be paid by the family and are not included in the tuition assistance program.

Applicants for tuition assistance must complete an application and submit support documentation to include: the most recent Federal income tax return as well as two pay stubs. Applications are available from the Director of the center, and are included in the admissions package. The Tuition Assistance Guidelines are also available for review at the Director's office. All information submitted as part of the financial assistance application form as well as the final determinations on the applications will remain confidential.

Applications for tuition assistance may be submitted at any time. Regular review of the applications will be scheduled as follows: (schedule of review).

The center is an equal opportunity organization and does not discriminate based upon sex, race, color, religion, or national origin.

Sincerely,

# SAMPLE TUITION ASSISTANCE APPLICATION

NAME AND ADDRESS OF CENTER

Application No \_\_\_\_\_

## PART I

(To be retained by Director)

Only one application per family is required. If you are applying for tuition assistance for more than one child in your family, please supply the requested information for each child on the same form.

Child(ren)'s Name: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

SPOUSE'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

Do you wish to have your pay stubs and income tax copy returned to you or destroyed once the evaluation is completed? \_\_\_\_\_ SIGNATURES I/we state that everything I/we have stated in this application is correct to the best of my/our knowledge and that the above information is a complete listing of my/our income, debts, and obligations.

\_\_\_\_\_  
Mother/Guardian's Signature DATE \_\_\_\_\_

\_\_\_\_\_  
Father/Guardian's Signature DATE \_\_\_\_\_

The (Name of Center) is an equal opportunity organization and does not discriminate based upon sex, race, color, religion, or national origin.

NAME AND ADDRESS OF CENTER

APPLICATION FOR TUITION ASSISTANCE

PART II

Application No. \_\_\_\_\_

Date: \_\_\_\_\_

Only one application per family is required. If you are applying for tuition assistance for several children in your family, please supply the requested information for each child on the same form.

Child(ren)'s Birthdate(s): \_\_\_\_\_

With whom do(es) the child(ren) live (no names please)? \_\_\_\_\_

Number of family members in household: \_\_\_\_\_

Total financial assistance requested (by regular fee period, i.e., bi-weekly, monthly, etc.) \_\_\_\_\_

For what period is tuition assistance requested? \_\_\_\_\_

If your child is not yet enrolled, when would you like your Child to begin attending the center? \_\_\_\_\_

Mother/Guardian information:

EMPLOYER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

MARITAL STATUS: SINGLE: \_\_\_\_\_ MARRIED \_\_\_\_\_ DIVORCED \_\_\_\_\_

Father/Guardian information:

EMPLOYER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

MARITAL STATUS: SINGLE: \_\_\_\_\_ MARRIED \_\_\_\_\_ DIVORCED \_\_\_\_\_

NUMBER OF OTHER CHILDREN: \_\_\_\_\_ AGES: \_\_\_\_\_

PRESENT CHILD CARE ARRANGEMENTS: \_\_\_\_\_

NAME AND ADDRESS OF CENTER

APPLICATION FOR TUITION ASSISTANCE

PART III

Application No. \_\_\_\_\_

Please provide the total current average gross monthly income and expenses of the child (ren)'s household. This data; will be compared to your pay stubs and income tax return data, and will remain on file and confidential.

INCOME EXPENSES

Your SALARY \_\_\_\_\_ RENT/MORTGAGE \_\_\_\_\_

Spouse's SALARY \_\_\_\_\_ CREDIT CARDS \_\_\_\_\_

ALIMONY \_\_\_\_\_ UTILITIES \_\_\_\_\_

CHILD SUPPORT \_\_\_\_\_ OTHER LOANS \_\_\_\_\_

OTHER INCOME \_\_\_\_\_ CHILD CARE \_\_\_\_\_

AUTO LOAN(S) \_\_\_\_\_

TRANSPORTATION \_\_\_\_\_

INSURANCE

(Health, other) \_\_\_\_\_

RETIREMENT \_\_\_\_\_

OTHER (LIST) \_\_\_\_\_

INCOME TAXES \_\_\_\_\_

TOTAL INCOME \_\_\_\_\_ TOTAL EXPENSE \_\_\_\_\_

PLEASE NOTE: Evidence of your income must this application. Evidence must consist of copies of your past two pay stubs and your latest income tax return(s) for each income earner in the child(ren)'s household.

Please attach to this application a statement indicating any additional reasons or circumstances that you may wish to have considered. Special attention should be given to explaining unusual expenses, such as medical/health care, dependents, etc.

-----DO NOT WRITE BELOW THIS LINE----->

DATE \_\_\_\_\_ APPROVAL: YES \_\_\_\_\_ NO \_\_\_\_\_ RATE->

REASON FOR DISAPPROVAL:

SIGNATURES OF COMMITTEE: \_\_\_\_\_

# **APPENDIX G: VOLUNTEER PROTECTION ACT OF 1997**

## **Volunteer Protection Act of 1997**

This is the text of Public Law 105-19; the Volunteer Protection Act of 1997 as signed into law by President Clinton on June 18, 1997:

One Hundred Fifth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the seventh day of January, one thousand nine hundred and ninety-seven

An Act

To provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the `Volunteer Protection Act of 1997'.

### **SECTION 2. FINDINGS AND PURPOSE.**

(a) FINDINGS- The Congress finds and declares that--

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because--

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and (ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE- The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

### SECTION 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION- This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY- This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation--

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

### SECTION 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS- Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if--

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the

volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to--

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES- Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY- Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION- If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the

organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount.

Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS-

(1) GENERAL RULE- Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION- Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY-

(1) IN GENERAL- The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that--

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable

State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

## SECTION 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE- In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY-

(1) IN GENERAL- Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY- For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

## SECTION 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS- The term `economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM- The term `harm' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES- The term `noneconomic losses' means losses for

physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION- The term `nonprofit organization' means--

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(5) STATE- The term `State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER- The term `volunteer' means an individual performing services for a nonprofit organization or a governmental entity who does not receive--

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation, in excess of \$500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

## SECTION 7. EFFECTIVE DATE.

(a) IN GENERAL- This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION- This Act applies to any claim for harm caused by an act or omission

of a volunteer where that claim is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused such harm occurred after such effective date.

For clarification of the Volunteer Protection Act, please read the following article. This article is reprinted with permission of the [Nonprofit Coordinating Committee of New York](#).

### **Volunteer Protection Act of 1997**

*In 1997, President Clinton signed into law the Volunteer Protection Act of 1997 (Act) that, generally speaking, provides immunity from tort claims that might be filed against the volunteers of nonprofit organizations. NPCC's Government Relations Committee is considering supporting legislation that would make such protection contingent on the organization carrying general liability insurance at adequate levels. The Act raises some serious questions that are briefly outlined here.*

When an individual performs volunteer services for a nonprofit he exposes himself to the risk of having a claim filed against him by someone who believes he has been hurt by the volunteer. The most significant kind of nonprofit liability involves bodily injury--people being physically hurt. Bodily injury claims are particularly troublesome since they can involve demands for large amounts of money. Recoveries for pain and suffering can be huge and such claims can be financially devastating for those against whom they are filed. It should be kept in mind that when an employee or volunteer carelessly hurts someone, not only will he be liable, but the organization for whom he works will also be liable for the reason that principals are liable for the acts of their agents.

It is to protect against such exposures that nonprofits carry general liability insurance. A general liability insurance policy protects an organization against bodily injury and property damage claims. Board members are covered and frequently employees are also covered. However, most general liability policies do not cover volunteers. Special insurance can be purchased fairly inexpensively to cover its volunteers' potential liability, but many nonprofits are neither aware of its availability nor have sufficiently considered the liability exposures of their volunteers. It should be noted that a fair number of nonprofits do not carry any sort of general liability insurance.

The Volunteer Protection Act provides immunity from lawsuits filed against a nonprofit's volunteer where the claim is that he carelessly injured another in the course of helping the nonprofit. The Act does not provide immunity to the organization itself. Prior to the adoption of the Act, under the law of most states, a volunteer who negligently hurt someone would be personally liable. Now the Act preempts all such laws and the volunteer is immune from suit. The new law only applies to uncompensated volunteers who help 501(c)(3) and 501(c)(4) nonprofits. The immunity is a qualified immunity and protects the volunteer only against claims of negligence and not against claims of gross

negligence, willful or criminal misconduct, reckless misconduct, or conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer. The difference between negligence and gross negligence is one of degree: gross negligence involves a greater degree of carelessness than negligence. Some wonder whether the Act provides real protection, since all anyone wishing to sue a volunteer (who they believe has carelessly hurt them) needs to do to keep the volunteer from raising the Act as a shield is to allege gross negligence rather than negligence in their complaint.

Nonetheless it is likely that the Act does provide some protection to volunteers and thus may encourage volunteerism. However, we believe that the Act has a downside. Providing immunity to a volunteer who has injured someone as a consequence of his carelessness would seem to clash with the charitable goal of helping others. Many might believe, for instance, that those who volunteer for a nonprofit should be held to the same standard of care as the rest of us. In cases where a nonprofit has no assets to speak of, a party injured as a result of the carelessness of a volunteer may well have no recourse against anyone and will not be compensated for her injuries. Because it lacks assets, the nonprofit will not be worth suing and because of the Act's protection, the volunteer will be immune from suit. One may fairly wonder whether it is in the long-term interest of a nonprofit's reputation to let someone go uncompensated in these circumstances.

It should be kept in mind that the chance of someone being hurt by an agent of a nonprofit without being reimbursed for her injuries would not exist if all nonprofits carried adequate general liability insurance. Indeed, we believe it is desirable for a nonprofit to carry general liability for at least two reasons. First, to avoid being devastated in the event of someone successfully prosecuting a negligence claim against the nonprofit that results in a judgment requiring it to pay large sums of money in damages. Second, to be able to adequately compensate someone who has been hurt as the result of the negligence of one of its agents. Related to this second reason, we believe that when, in carrying out its mission of helping others, a charitable nonprofit injures someone as the result of the carelessness of one of its agents -- an occurrence that can be protected against but which nonetheless happens -- the nonprofit should be in a position to make whole those whom they have hurt.

There is a provision of the Act which, if taken advantage of, would assure that innocent third parties hurt by the carelessness of nonprofits' volunteers would be adequately compensated for their injuries while, at the same time, providing personal immunity to such volunteers. This part of the Act allows a state to require that a charitable organization must "provide[s] a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer in behalf of the organization," before its volunteers gain immunity under the Act. (A general liability policy with adequate limits would be considered a financially secure source of recovery.) Thus, if New York passed such a law, for charitable nonprofits to avail their volunteers of the

protection of the Act they would have to purchase general liability insurance (or provide some other means of financial security), and should organizations choose not to do so, its volunteers would then be liable if they carelessly injure someone. We therefore believe that the nonprofit community ought to consider seriously whether it is in its long-term interest to promote the passage of such a law by New York.

Some may point out that the money needed to purchase general liability insurance would be better spent in carrying out the nonprofit's mission. We do not find this argument persuasive. First, we do not believe that the expenditure of a relatively small amount of money for general liability insurance will cause a significant diminution in the level of service provided by the nonprofit. For this small amount, it should be remembered that general liability insurance will provide recoveries not only to those hurt by a nonprofit's volunteers but also at the hands of their employees. Second, there is also the possibility that when the public learns of an innocent third party not being compensated for injuries caused by the careless acts of a nonprofit volunteer, the damage done to the reputation of the entire sector will cost more than the loss in services resulting by having to spend a little extra money for liability insurance. Finally, we believe it does not lie well in the mouths of representatives from the charitable sector to make this kind of calculating argument.

*This article originally appeared in the May-June 1998 issue of [New York Nonprofits](#), the monthly publication of the [Nonprofit Coordinating Committee of New York](#). © 1998 Nonprofit Coordinating Committee of New York*

# Appendix H Application Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453

Can be found on: <http://www.gsa.gov/portal/forms/download/114894>

| APPLICATION/PERMIT FOR USE OF SPACE<br>IN PUBLIC BUILDINGS AND GROUNDS  |       |           |                  |                 | OMB Control Number: 3090-0044<br>Expiration Date: 11/30/2018            |                |
|---|-------|-----------|------------------|-----------------|---|----------------|
| <small>Public reporting burden of this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Facilities Management and Services Programs (PM), GSA Public Buildings Service, Washington, DC 20405.</small>  |       |           |                  |                 |   |                |
| <small><b>INSTRUCTIONS:</b> This form allows the Applicant to request the use of federally owned property in accordance with 40 U.S.C. § 581(h) and Federal Management Regulation 41 C.F.R. part 102-74, subpart D. The Applicant must accurately describe the proposed use and, if approved, the form will serve as the permit for that use. Please submit the form to the federal property manager responsible for the property.<br/>Note: If the proposed use is a farmers market, the Applicant must confer with the Federal property manager and regional counsel to determine whether a permit (GSA 3453); a license (GSA 1592); or an outlease is the appropriate vehicle for the specific circumstances of each market.</small> |       |           |                  |                 |   |                |
| PART I - APPLICATION  |       |           |                  |                 |   |                |
| APPLICANT   |       |           |                  |                 |   |                |
| FIRST NAME  |       | MIDDLE    | LAST NAME        |                 | MAILING ADDRESS   |                |
| TELEPHONE NUMBER  |       | EXTENSION | E-MAIL ADDRESS   |                 | STREET  |                |
|   |       |           |                  |                 | CITY  | STATE ZIP CODE |
| SPONSOR, PROMOTER OR CONDUCTOR OF PROPOSED ACTIVITY   |       |           |                  |                 |   |                |
| NAME OF PERSON OR ORGANIZATION  |       |           |                  | MAILING ADDRESS |   |                |
| TELEPHONE NUMBER  |       |           |                  | STREET          |   |                |
| AREA CODE   | PHONE | EXTENSION | CITY             | STATE           | ZIP CODE  |                |
|   |       |           |                  |                 |   |                |
| SUPERVISION OF/AND RESPONSIBILITY FOR THE PROPOSED ACTIVITY   |       |           |                  |                 |   |                |
| NAME OF PERSON  |       |           |                  | MAILING ADDRESS |   |                |
| TELEPHONE NUMBER  |       |           |                  | STREET          |   |                |
| AREA CODE   | PHONE | EXTENSION | CITY             | STATE           | ZIP CODE  |                |
|   |       |           |                  |                 |   |                |
| DESCRIPTION OF PROPOSED ACTIVITY  |       |           |                  |                 |   |                |
|   |       |           |                  |                 |   |                |
| PROPOSED BUILDING   |       |           | PROPOSED AREA    |                 |   |                |
|   |       |           |                  |                 |   |                |
| PROPOSED DATES AND HOURS DURING WHICH THE ACTIVITY IS TO BE CARRIED OUT   |       |           |                  |                 | APPROXIMATE NUMBER OF PERSONS TO BE ENGAGED IN THIS ACTIVITY (If known) |                |
| FROM  | TO    | HOURS     |                  |                 |   |                |
|   |       |           |                  |                 |   |                |
| <small>IMPORTANT: If applicant purports to represent an organization, a letter or other documentation that the applicant has authority to represent that organization is required to be submitted with this form.<br/>           APPLICANTS PROPOSING TO ENGAGE IN THE SOLICITATION OF FUNDS MUST CHECK ONE OF THE FOLLOWING STATEMENTS:<br/>           I HEREBY CERTIFY THAT:</small>  |       |           |                  |                 |   |                |
| <input type="checkbox"/> I represent and will be soliciting funds for the sole benefit of a religion or religious group;  |       |           |                  |                 |   |                |
| <input type="checkbox"/> My organization has received an official Internal Revenue Service (IRS) ruling or letter of determination stating that the organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. 501(c)(3), (c)(4), or (c)(5); or  |       |           |                  |                 |   |                |
| <input type="checkbox"/> My organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. 501(c)(3), (c)(4), or (c)(5), and that the IRS has not yet issued a final administrative ruling or determination of such status.   |       |           |                  |                 |   |                |
| CERTIFICATION: I CERTIFY that the above information is true and correct.  |       |           |                  |                 |   |                |
| SIGNATURE OF APPLICANT  |       |           |                  |                 | DATE SIGNED   |                |
|   |       |           |                  |                 |   |                |
| PART II - PERMIT (TO BE COMPLETED BY GSA ONLY)  |       |           |                  |                 |   |                |
| DESIGNATED BUILDING AND AREA, ACTUAL DATES AND HOURS, FOR WHICH ACTIVITY APPROVED   |       |           |                  |                 |   |                |
| BUILDING  | AREA  |           | FROM             | TO              | HOURS   |                |
|   |       |           |                  |                 |   |                |
| GSA APPROVING OFFICIAL  |       |           |                  |                 |   |                |
| SIGNATURE   |       |           | NAME OF OFFICIAL |                 | DATE SIGNED   |                |
|   |       |           |                  |                 |   |                |
| GENERAL SERVICES ADMINISTRATION   |       |           |                  |                 | GSA 3453 (REV. 1/2016)  |                |

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**PART III - CONDITIONS**

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By submitting this form, Applicant agrees to the following terms and conditions:

Applicant will conduct the proposed activity strictly in accordance with the description of the activity in this permit.

Applicant must submit, as part of this permit, a copy, sample or accurate description of any materials proposed for distribution at the event.

Unless otherwise agreed to, in writing, by GSA and incorporated into this permit, the Applicant assumes all responsibility for, and costs and expenses associated with, clean-up of the grounds, providing trash containers and disposal of trash, as well as any additional security, electrical and water or related services needed to support the activity. Portable restroom facilities may be authorized, at Applicant's sole cost and expense, if Applicant arranges for the removal before the beginning of the next business day.

GSA will neither store nor assume any responsibility for any materials that are used for an event.

By signing the permit application and without the need for further documentation, Applicant hereby indemnifies and saves harmless the United States, its agents and employees, in both their personal and official capacities, against any and all loss, damage, claim, or liability whatsoever, due to personal injury or death, or damage to property of the Federal Government or others, directly or indirectly, due to the exercise by Applicant of the privilege granted by this permit, or any act or omission of Applicant, including failure to comply with the obligations of this permit.

In keeping with federal policy regarding retention of records associated with federal contracts and the like, GSA will retain a copy of the permit for three (3) years from the date of issuance.

Special terms and conditions related to this permit are listed below (and continued on the following page(s), if necessary):

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SIGNATURE OF APPLICANT

DATE SIGNED

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If the request to use federal space is denied or an issued permit is cancelled, the Applicant may appeal within 5 calendar days of the notification of disapproval or cancellation to the GSA Regional Administrator or his/her designee. For more information about how to request the use of Federal property under 40 U.S.C. § 581(h) and Federal Management Regulation 41 C.F.R. part 102-74, subpart D, please contact GSA's Office of Facilities Management and Services Programs (PM), 1800 F Street, NW, Washington, DC 20405 or visit [www.gsa.gov](http://www.gsa.gov)

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**GSA 3453 (REV. 1/2016) BACK**