

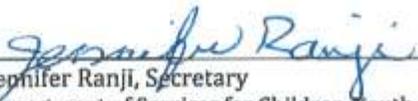
DELACARE

Regulations for Early Care and Education and School-Age Centers



State of Delaware
Office of Child Care Licensing
Division of Family Services
Department of Services for Children, Youth and Their Families

The Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families adopts and promulgates the following regulations for early care and education and school-age centers as authorized in the 31 Delaware Code, Sections 341-345, also known as "The Delaware Child Care Act." The terms "Early Care and Education and School-Age" Centers are now used in the field instead of "day care" centers. The Code refers to these types of licensed facilities as day care centers. All previous rules, regulations, and standards pertaining to such facilities are null and void except to the extent all rules, regulations, standards, enforcement actions, decisions, investigations, and the like previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding promulgations of these regulations or rules. These rules shall take effect on July 1, 2015.



Jennifer Ranji, Secretary
Department of Services for Children, Youth and Their Families

5-15-15
Date



Victoria Kelly, Director
Division of Family Services

5/15/2015
Date

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ORDER

Delacare: 101 Regulations for Early Care and Education and School-Age Centers

INTRODUCTION

1. Legal Base

The legal base for these licensing regulations is in 31 Delaware Code, Sections 341-345 and 29 Delaware Code, Section 9003 (7).

2. Purpose

The overall purpose of these regulations is the protection and promotion of the health, safety, well-being, and positive development of children who receive services in early care and education and school-age centers. These regulations reflect the baseline or minimum standards that shall be expected in Delaware's licensed early care and education and school-age centers. All licensed centers shall have the option to exceed the regulations or standards set by the Office of Child Care Licensing (known hereafter as OCCL) through participation in Delaware Stars for Early Success or the licensee's own initiative.

PART I GENERAL PROVISIONS

3. Definition of Regulated Service

Early care and education and school-age centers provide care, education, protection, supervision, or guidance for 13 or more children, including children who are related to the licensee. Service is provided on a regular basis for periods of less than 24 hours per day, unattended by parent or guardian, and for compensation. This definition shall include but is not limited to full- and part-time day care, child care, early care and education, early childhood education, preschool, nursery school, extended child care, independently operated kindergartens, before-or after-school care, school-age care, school's out care, school vacation or holiday care, and summer child care.

Early care and education and school-age centers located at public or private schools that are operated by an agency or individual other than a public or private school entity shall be required to be licensed under these regulations.

The following facilities that operate for less than 24 hours per day shall be exempt from licensure under these regulations:

- A. Camps issued permits by the Division of Public Health;
- B. An institution, agency, association, or organization under State of Delaware ownership and control;
- C. Classes for religious instruction conducted by religious institutions during the summer months for periods not to exceed four weeks;
- D. Programs established in connection with a business, recreation center, or religious institution in which children are provided care for brief periods of time, while parent/guardian is on the premises, are readily accessible at all times on an on-call basis, and are able to resume control of the child immediately;
- E. Programs that offer activities for children over the age of six who attend at their own discretion on an 'open door' basis, where there is no compensation, and where there is no agreement, written or implied, between the program and the parent/guardian for the program to assume responsibility for the care of the child;
- F. Programs that offer school-age care on an ad hoc, sporadic, and isolated basis in order to meet an emergency or special need or to provide specific skill instruction; or
- G. A public or private school that provides regular and thorough instruction through at least the sixth grade in the subjects prescribed for the schools of the State, in a manner suitable to the children of the same age and stage of advancement, and that reports to the State Board of

Education pursuant to 14 Delaware Code, Section 2704. This exclusion shall include all programs operated by these schools, except as stated above, and shall also include preschool education programs for people with disabilities as defined by 14 Delaware Code, Section 3101(4).

A person, organization, or entity shall not operate or provide child care services as defined in these regulations unless a license to do so is issued by the OCCL. Anyone who violates a provision of 31 Delaware Code, Sections 341-345, known as The Delaware Child Care Act, may be fined not more than \$100 or imprisoned not more than three months, or both.

To maintain licensure, licensees must follow these regulations and applicable provisions of Delaware Code. Failure to do so may result in a corrective action plan or enforcement action, such as warning of probation, probation, suspension, revocation, or denial of a license application. A licensee may request an appeal of a pending enforcement action by requesting a hearing within 10 business days of notification of the OCCL's decision to impose the action.

4. Definition of Terms

The following words and terms when used in these regulations have the following meaning unless the context clearly indicates otherwise:

“Administrator” means the individual responsible for the supervision and administration of the OCCL.

“Administrative hearing” (also known as “appeal hearing”) means the hearing provided to a licensee or applicant when the licensee or applicant requests an appeal of the OCCL's decision to place the facility on the enforcement action of warning of probation, probation, or to suspend or revoke a license, or deny a license application by presenting evidence to contest the action. A licensee or applicant, at their expense, may appeal hearing decisions of license revocations and license application denials to the Delaware Superior Court for a final review.

“Adult” means a person who has reached the age of 18 years.

“Agreement of Understanding” means a formal written document that is part of a corrective action plan or used when deemed necessary to ensure regulation compliance.

“Applicant” means the individual, president of the corporation, managing member of the Limited Liability Corporation or LLC, or entity that is responsible for and has authority over the operation of the center.

“Background check” means a State of Delaware and federal (national) fingerprinted report of a person's entire criminal history including a search of the Department's child abuse and neglect records, and a search of the Department of Health and Social Services' adult abuse registry, or other checks as required by State or federal law.

“Business day” means a weekday Monday through Friday not including the weekend (Saturday and Sunday) or a State of Delaware legal holiday that falls on a weekday.

“Center” means the licensed early care and education or school-age center.

“Child” means a person who has not reached the age of 18 years.

“Child abuse” means causes or inflicts sexual abuse on a child; or a person that has care, custody, or control of a child and causes or inflicts physical injury through unjustified force, emotional abuse, torture, exploitation, maltreatment or mistreatment as defined in 10 Delaware Code, Section 901.

“Child care” also known as “early care and education” means the providing of care, education, protection, supervision, or guidance of children.

“Child care licensing specialist” also known as “licensing specialist” means an employee of the OCCL who is responsible for performing regulatory activities including monitoring, investigations, enforcement actions, and decisions for licensure as set forth in Delaware Code and these regulations.

“Child care licensing supervisor” also known as “licensing supervisor” means an employee of the OCCL who is responsible for performing supervisory and regulatory actions including monitoring, investigations, enforcement actions, and decisions for licensure as set forth in Delaware Code and these regulations.

“Child neglect” means the failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary: education as required by law; nutrition; or medical, surgical or any other care necessary for the child’s well-being as defined in 10 Delaware Code, Section 901.

“Child sex abuse” means an act against a child that is described as a sex offense or child exploitation as defined in 11 Delaware Code Section 8550(2).

“Child with disabilities” means a child who has been diagnosed by a qualified professional as having a physical, intellectual, emotional, developmental, or chronic medical condition or impairment which would require modifications in the regular program of activities for that child at a center or as defined by applicable federal and State laws.

“Clock hour(s)” means the actual number of hours or time a participant spends attending the instructional portion of training designed to develop or enhance early care and education or school-age care competencies.

“Complaint investigation” means the process followed by the division to investigate effectively accusations that a licensee is not in compliance with these regulations or applicable laws.

“Core topic areas or core areas” means training in child development; developmental curriculum planning/environment and curriculum; positive behavior management /social-emotional development; observation and assessment; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration.

“Corrective action plan” means a written document listing non-compliance that must be corrected, how it must be corrected, and the date by which it must be corrected.

“Delaware First Professional Development System” means the professional development system for early child care and education and school-age care professionals in Delaware.

“Department” means the Department of Services for Children, Youth and Their Families.

“Denial” means the process of refusing to grant a license after receipt of an application. This constitutes refusal of official permission to operate.

“Designated representative” means the person who has been assigned by the licensee/organization/corporation to act on behalf of the licensee/organization/corporation and granted authority over program operations and to represent the licensee/organization/corporation in dealings with the OCCL.

“Direct child care” means the providing of care, education, protection, supervision, or guidance of children.

“Direct observation” (of children or staff members) means that staff are physically present in the same room or area with children or other staff members, are visually monitoring the interactions of children or staff, and are alert to problems that may occur.

“Direct voice contact” means a licensee or staff member is required to speak directly with a licensing specialist, licensing supervisor, or administrator from the OCCL through a phone call or

face-to-face contact. When direct voice contact is required, leaving a voice mail message is not acceptable.

“Division” means the Division of Family Services within the department.

“Division director” means the director of the Division of Family Services.

“Early care and education” also known as “child care” means the care, education, protection, supervision, or guidance of children beginning at birth.

“Early childhood administrator” means a staff member with direct responsibility for the center’s total program of services provided to children and their families, and including when applicable, the administrative aspects. The early childhood administrator approves curriculum, and when also serving as the early childhood curriculum coordinator develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. The early childhood administrator supervises all staff and meets the qualifications specified in these regulations.

“Early childhood aide” means a staff member who performs direct child care functions and related duties in this time-limited entry level position, works under the supervision of at least an early childhood teacher and the direct observation of at least an early childhood assistant teacher or early childhood caregiver, has not completed the approved training required for the position of early childhood intern, can never be alone with children, and meets the qualifications specified in these regulations.

“Early childhood assistant teacher” means a staff member who performs direct child care functions and related duties, works under the supervision of at least an early childhood teacher and assists in the implementation of curriculum. This individual may supervise early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“Early childhood caregiver” means a staff member who was formerly a caregiver at a particular center licensed before the effective date of the January 1, 2007, regulations or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center and has qualified for this position. This individual works under the supervision of at least an early childhood teacher and performs direct child care functions and related duties and assists in the implementation of curriculum. This individual may supervise early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“Early childhood curriculum coordinator” means a staff member who works under the supervision of the early childhood administrator and may be responsible for the direct care, supervision, guidance, and education of children at the center. The early childhood curriculum coordinator develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. This individual may supervise early childhood teachers, early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“Early childhood curriculum coordinator without a degree” means a staff member who may fill this position provided that the early childhood administrator is fully qualified as described in these regulations with at least a bachelor’s or associate degree from a regionally accredited college or university. This individual may be responsible for the direct care, supervision, guidance, and education of children at the center. The early childhood curriculum coordinator without a degree develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. This individual may supervise early childhood teachers, early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“Early childhood intern” means a staff member who performs direct child care functions and related duties and works under the supervision of an early childhood teacher and the direct observation of at least an early childhood assistant teacher or early childhood caregiver. This individual can be alone with children as specified in these regulations and meets the qualifications specified in these regulations.

“Early childhood teacher” means a staff member who performs direct child care functions and related duties, works under the supervision of an early childhood administrator or early childhood curriculum coordinator, and is immediately responsible for the direct care, supervision, guidance, and education of children at a center. The early childhood teacher implements the curriculum and daily activities for a group of children. The early childhood teacher may supervise early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“Enforcement action” means an administrative action or group of actions taken to promote compliance, such as warning of probation, probation, suspension, revocation, or denial of a license application.

“Experience” means the practical knowledge or skill gained from documented direct participation in working with children birth through second grade in a group setting for early care and education positions or with children kindergarten through sixth grade in a group setting for school-age positions.

“Family” means a biological or adoptive father or mother, but may be interpreted broadly to include a person, whether related to the child by blood or not, who resides with the child, takes part in the child’s family life, and also may have responsibility for or legal custody of the child.

“Field trip” means an excursion trip or program activity off the licensed site and is not a routine program outing.

“Governing body” means the person or group of people with ultimate responsibility for and authority over the operation of a center, as for example, an owner or Board of Directors.

“Group size” means the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

“Health care provider” means a professional who practices medicine with or without supervision and is sanctioned by an established licensing body. The most common types of health care providers include physicians, advance practice nurses or nurse practitioners, and physician assistants.

“Individualized educational program” or IEP means a document written at least yearly about the required services and education program, usually for a child three years of age or older with an identified disability.

“Individualized family service plan” or IFSP means a document written at least yearly about the required services for an infant or toddler (ages 0-two years) with an identified disability.

“Infant” means a child who is less than one year old.

“Institutional abuse” means a child is the subject of abuse or neglect as defined in Delaware Code, Title 10, Chapter 9, Section 901 while in out of home care.

“License” means the document issued by the OCCL granting authority to a licensee at the center’s location to operate under applicable State laws.

“License extension” means the process by which the period of an annual license is lengthened by an additional month because all conditions to issue an annual license have not been met and are not in the control of the licensee.

“Licensee” means the owner or entity legally responsible for a licensed center.

“Licensing conference” means a meeting between the OCCL and the licensee to discuss non-compliance of a serious or repeated nature, which, if not corrected on time under the terms of a corrective action plan or Agreement of Understanding and in an acceptable manner that meets the intent of these regulations, may result in an enforcement action. A licensing conference can also be used by a licensee to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint, or other monitoring visit, or to discuss the denial of a variance request.

“License” means the issuing of a child care license by the OCCL when the applicant has demonstrated compliance with these regulations and applicable codes, regulations, and laws.

“Meal” means breakfast, lunch, or dinner.

“Night care” means care for a child between the hours of 8 p.m. and 6 a.m. when the period includes a portion of the child’s normal sleeping hours.

“Office of Child Care Licensing” or OCCL means the organization within the department authorized under 31 Delaware Code, Sections 341-345 to promulgate and enforce regulations and standards for the conduct of child care, including the licensing thereof, and the development and implementation of policies and procedures.

“Parent/Guardian” means a birth or adoptive parent, legal guardian, or other person having responsibility for, or legal custody of, a child.

“Plan review” means the document submitted to and approved by the OCCL by an applicant requesting opening of a new center or by a licensee for an expansion or renovation of a licensed building’s indoor or outdoor space to ensure compliance with these regulations.

“Policy” means an organized plan that is designed to determine and guide decisions, actions, and other matters and is reviewed and updated at least yearly. When changes are made, the updated information must be given to the appropriate people.

“Preschool-age child” means a child three through five years of age who is not yet attending a public or private kindergarten program. If a child is older than five years of age and is not yet attending a public or private kindergarten program, that child shall be considered in the preschool-age group until attending kindergarten or first grade, whichever comes first.

“Probation” means a written notice of a specific enforcement action initiated by the OCCL and approved by the division director, which directs the licensee to correct all non-compliances and maintain compliance or face revocation or denial of the license application.

“Professional development” means the essential knowledge and skills to develop or enhance generally accepted competencies in the early care and education and school-age field.

“Provisional license” means a license issued for a maximum period of three months when the licensee is temporarily unable to comply with *Delaware* Regulations and when there is no serious risk to the health, safety, and well-being of children and the licensee has agreed to fulfill and operate under conditions as stated in a corrective action plan or an Agreement of Understanding. An extension beyond this time period requires the approval of the administrator. A licensee may not operate on a provisional license for more than 12 consecutive months.

“Quality-assured training” means training of the highest quality that is monitored to ensure that the content of the training is research-based and aligned with State standards for the field.

“Regularly or on a regular basis” means early care and education and school-age care services which are available and provided at a center on more than one day in a week.

“Regulation” means a baseline or minimum standard required for a particular aspect of child care set forth in Delaware Administrative Code as established by the OCCL and known as *Delacare*: Regulations for Early Care and Education and School-Age Centers.

“Revocation” means the process of rescinding a license during the effective dates of a license withdrawing official permission to operate.

“Routine program outing” means an activity occurring at least weekly for children that appears on the posted classroom activity schedule and involves children leaving the center’s premises, such as a routine walk to a playground or a walk around the block.

“Secretary” means the Secretary of the Department of Services for Children, Youth and Their Families.

“Section 504 Plan” means a document describing accommodations provided to a child with a disability to ensure full participation at the center.

“Serious injury” means any impact or injury to a child’s head or any physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of a body part.

“School-age administrator” means a staff member of a school-age center with direct or supervisory responsibility for the school-age center’s total program of services provided to children and their families including, when applicable, the administrative aspects. The school-age administrator approves curriculum and also, when not assigning such duties to a school-age site coordinator, develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the school-age center. The school-age administrator supervises all school-age staff and meets the qualifications specified in these regulations.

“School-age aide” means a staff member of a school-age center who performs direct child care functions and related duties in this time-limited, entry level position, who works under the supervision of at least a school-age site coordinator and the direct supervision of at least a school-age site assistant, has not completed the approved training required for the position of school-age intern, can never be alone with children, and meets the qualifications specified in these regulations.

“School-age care” means care, education, protection, supervision, or guidance for school-age children before or after-school, during school holidays, or during summer months.

“School-age center” means a center that exclusively provides care for school-age children.

“School-age child” means a child who is attending kindergarten or a higher grade. A child shall be considered school-age for staff/child ratio purposes beginning the first day of attending kindergarten or first grade, whichever comes first.

“School-age intern” means a staff member of a school-age center who performs direct child care functions and related duties, works under the supervision of at least a school-age site coordinator or school-age site assistant who is designated as responsible for the school-age center. This individual works under the direct observation of at least a school-age site assistant, can be alone with children as specified in these regulations, and meets the qualifications specified in these regulations.

“School-age site assistant” means a staff member of a school-age center who performs direct child care functions and related duties, works under the supervision of at least a school-age site coordinator, and assists in the implementation of curriculum. The school-age site assistant who is designated as responsible for the school-age center may supervise school-age interns, school-age aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“School-age site coordinator” means a staff member of a school-age center who performs direct child care functions and related duties, works under the supervision of the school-age administrator, and is immediately responsible for the day-to-day operations of the school-age

center, direct care, supervision, guidance, and education of the children. The school-age site coordinator implements curriculum and daily activities for children at the school-age center. Also, when assigned such duties, the school-age site coordinator develops and evaluates curriculum, and monitors implementation of curriculum. The school-age site coordinator may supervise school-age site assistants, school-age interns, school-age aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

“Service Letters” as required by the Delaware Department of Labor, 19 Delaware Code, Section 708, shall be sent to an employee’s current or last employer and all previous child care and health care employers for the past five years before the first day of employment or, if applicable, volunteering.

“Snack” means supplemental food served between meals.

“Staff or staff member” means a full- or part-time employee of a center including all substitutes and any volunteer working over five days or 40 hours a year.

“Substitute” means a paid staff member who is temporarily filling in for a position during the absence of a permanent staff member and works under the supervision of at least an early childhood teacher, school-age site coordinator, or school-age site assistant who is designated as responsible for the school-age center. If not qualified to be alone with children, the substitute shall work under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant.

“Successful completion” means earning at least a grade of C or its equivalent in early childhood education or child development course work from a regionally accredited college or university or completion of a quality-assured training course.

“Supervised experience” means successful completion of the process specified by the OCCL to reduce the amount of experience required to qualify for designated early childhood and school-age positions.

“Supervision of children” means the appropriate number of staff members are physically present in the area or room, including outside, where children are being cared for and are providing watchful oversight and timely attention to children’s actions and needs.

“Supervision of staff” means performing monitoring and evaluation functions of assigned staff which includes the observation of interactions of assigned staff with children and families, staff’s adherence to these regulations, and the center’s policies and procedures. When performing monitoring functions, supervisory staff shall be physically present in the same room or area as assigned staff and directly observe staff to monitor on-going interaction with children.

“Suspension order” means a notice issued by the OCCL directing that a center’s services be discontinued as of a specified date with no services to children provided during the term of the suspension order, and that the license to operate a center has been suspended.

“Toddler” means a child who is between the age of 12 months and less than 36 months of age.

“Training” means an organized professional development activity that is approved or accepted by the OCCL as designed to develop or enhance the early care and education or school-age competencies.

“Variance” means the nontransferable written authorization issued by the division to use alternative means which meet the intent of the specific licensing regulation and is based on the need or circumstance of the center and does not endanger the health, safety, or well-being of children in care.

“Volunteer” means a person who provides an unpaid service or support to a center. A volunteer shall be under the supervision of at least an early childhood teacher, school-age site coordinator, or school-age site assistant who is designated as responsible for the school-age center. If not qualified to be alone with children and working with children, a volunteer shall work under the

direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant.

“Warning of probation” means a written notice of a specific enforcement action initiated by the OCCL and approved by the administrator of OCCL, intended to alert the facility that it has committed or accumulated sufficient serious violations of these regulations which, if not promptly corrected, could lead to a recommendation to place the facility on probation or other enforcement action.

5. Issuance of a License

To operate or maintain a center, an agency, corporation, partnership, or individual must be issued a license. This license remains the property of the OCCL, is not transferable, assignable or subject to sale, and must be publicly displayed. A license shall be issued only to the center for which an application is made and for the address of the center’s actual site once the applicant has successfully completed the application process and the OCCL has determined compliance with these regulations and applicable provisions of Delaware Code. When a facility or program is sold, leased, discontinued, moved to a new location, or when the license has been revoked, the current license immediately becomes null and void.

6. Authority to Inspect

- A. An applicant or licensee must allow access to the premises for announced or unannounced monitoring visits and complaint investigations. Access must also be allowed to information, files, or other documents relevant to determining regulation compliance by an authorized representative of the OCCL, a State agency, or a local building, fire or health agency. The purpose of access will be to determine compliance with applicable provisions of these regulations.
- B. The licensee or any other individual shall permit and shall not impede the interviewing of the licensee, any staff member or substitute, any child in care, and the parent/guardian of a child in care by representatives of the OCCL and other authorized State or local officials. The purpose of all interviews will be to determine regulation compliance or investigate complaints of non-conformity with applicable provisions of these regulations and any other applicable codes, regulations, or laws.
- C. A licensee may request a licensing conference to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint, or other monitoring visit.

7. License for Each Center Site Location

- A. A separate application shall be made for each center address. A separate license is not required for a center that operates in two or more buildings at the same address.
- B. An agency or individual who operates an early care and education or school-age center at a public or private school but is not employed by the school shall be required to obtain a license for each center address.

8. License Renewal

A licensee shall obtain, complete, and submit an application for a license renewal to the OCCL at least 60 calendar days before the expiration of the center’s current license. When a licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the OCCL makes a decision on the renewal application. An annual or provisional license may be issued after a licensing specialist completes a compliance review.

9. Changes Affecting a License

A licensee shall inform the OCCL before a planned change to the indoor or outdoor spaces of the center and receive approval for the proposed change. The OCCL shall determine whether to modify a current license or to require the licensee to submit an application for a new license or submit a revised plan review when there is planned construction or a reduction, addition or other change in the indoor areas/classrooms or outdoor spaces of the center, a change in the name or capacity of the center, or a change in the type of authorized regulated service.

10. License Suspension

The OCCL may immediately suspend a license if the health, safety, or well-being of children in care is in serious or imminent danger. A suspension order may be verbal or written and the licensee shall cease operation as required by the OCCL. A verbal suspension order shall be followed by a written suspension order within three business days. A written suspension order shall state the reason or reasons for the enforcement action.

- A. Within 10 business days after the issuance of the written order, the licensee must relinquish the child care license (if applicable) to the OCCL, remain suspended until the reason for the suspension has been corrected, or remain suspended and request a hearing.
- B. The hearing shall be scheduled and conducted within 10 business days of the licensee's request for a hearing by a hearing officer with no previous involvement in the matter prompting the hearing to determine if the suspension will continue. Extensions of time and continuances beyond the times specified shall be granted by the designated hearing officer only for good cause.

11. Denial of a License Application or Revocation

- A. The division may deny a license application or revoke a license to operate for failure to follow these regulations or a federal, State, or local law. An effort to falsify information provided to the department shall be considered evidence of a violation of these regulations on the part of the licensee or staff member of the child care facility and may constitute a cause for revoking a license or denying a license application. The division shall notify the licensee in writing of its intent to deny a license application or revoke a license, stating the reason or reasons for the enforcement action, and specify the licensee's entitlement to appeal the decision and request a hearing.
 - i. Within 10 business days after receipt of the written notice, the licensee must request a hearing or accept the denial or revocation and close within the time frame indicated in the notice.
 - ii. The hearing must be held within 30 days of the initial hearing request by a hearing officer with no previous involvement in the matter prompting the hearing. Continuances beyond the times specified shall be granted by the designated hearing officer only for good cause.
 - iii. The licensee whose license has been revoked or applicant whose application has been denied may not apply for a license from the OCCL within a three-year period from the date that the revocation or denial was upheld. A facility's designated representative, early childhood administrator, or school-age administrator will not be issued a license during this three-year period.
- B. If a licensee requests an administrative hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered after the administrative hearing; except that the OCCL shall have the authority to suspend the license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.
- C. If a licensee does not make a timely request for an administrative hearing in accordance with Subsection 11.A, the action to deny a license application or revoke a license shall take effect 30 calendar days after the issuance of the notice. However, if the health, safety, or well-being of children in care is in serious or imminent danger, the OCCL shall suspend the license.
 - i. An applicant or licensee who is dissatisfied with the decision of the Department as a result of the hearing provided for revocation or license application denials may within 30 business days after the mailing or service of the decision notice, file a notice of appeal at the expense of the provider to the Delaware Superior Court in the office of the Prothonotary of the Superior Court of the county in which the child care facility is located or to be located, and serve a copy of the notice of appeal upon the Department.
 - ii. The final decision of the Secretary will remain in place during the appeal process unless otherwise ordered by the Court pursuant to 29 Delaware Code, Section 10144.

12. Regulation Variance

All regulations must be complied with in their entirety unless the applicant or licensee submits a written request for a regulation variance to the OCCL and receives approval. The variance request must document to the satisfaction of the division that the intent of the specific regulation shall be achieved in a manner other than that prescribed by the regulation and that the health, safety, and well-being of children in care will be preserved. The licensee shall maintain proof of the variance approval and make it available on request. If the licensee fails to comply with the variance, the division shall void the variance and require the site to become compliant with the regulation.

PART II ADMINISTRATION AND ORGANIZATION

13. Notification to the Office of Child Care Licensing

- A. A licensee shall ensure that the OCCL is notified in writing at least 90 consecutive calendar days before the anticipated closing of the facility or program or a change of ownership, sponsorship, location, facility or program name, licensed capacity, or applicable type of regulated service being provided.
- B. A licensee shall ensure that the OCCL is notified within five business days of the resignation, termination, transfer, or hiring of the early childhood or school-age administrator, early childhood curriculum coordinator, or school-age site coordinator.
- C. A licensee shall ensure that the OCCL is notified within one business day by direct voice contact (followed by a written report within three business days) during the OCCL's working hours in the event of:

Events:
<ul style="list-style-type: none">• A fire, flood, or other damage due to a natural or man-made disaster(s) that impacts the ability to operate safely;
<ul style="list-style-type: none">• Injury of a child while in the care of a center when the center is informed the child required medical/dental treatment other than any first aid provided at the center;
<ul style="list-style-type: none">• Suspected abuse or neglect of a child while at the center (after reporting the suspected abuse or neglect to the 24-Hour Child Abuse Report Line, currently listed as 1-800-292-9582);
<ul style="list-style-type: none">• A known conviction of a staff member including those which prohibit continued employment at the center; or
<ul style="list-style-type: none">• An adverse effect or medication error, when known to the center, that results in medical treatment (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route).

- D. A licensee shall ensure that the OCCL is immediately notified by direct voice contact during the OCCL's working hours of the death of a child while in care. If a death occurs after such working hours, the licensee shall immediately call the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).
- E. Telephone calls from the OCCL requiring a response from the licensee or staff must be returned within two business days.

14. Governing Body

- A. A licensee shall have an identifiable owner or functioning governing body with responsibility for and authority over the operation of the center. The owner or governing body shall designate a qualified person to function as the early childhood or school-age administrator of the center.
- B. The owner or governing body of a center shall ensure that the licensee and its employees follow all applicable federal, State, local laws and regulations, including, but not limited to, the Americans with Disabilities Act and Delaware equal accommodations statutes.

- C. A licensee shall have an organized system of business management and have sufficient staff, space, and equipment to fulfill, at a minimum, administrative, fiscal, clerical, cleaning, maintenance, food services, direct child care, and supervisory functions.

15. Insurance Coverage

A licensee shall secure and maintain on file written documentation of motor vehicle (if applicable), comprehensive general liability insurance, and other insurance as required by State law.

16. Records

- A. A licensee shall maintain files and records applicable to licensing and have them accessible and available for review by OCCL at all times.
- B. A licensee shall establish and use a system for documenting attendance at arrival and departure. This system shall verify the location of individual children when a child does not remain with the entire class. These daily child attendance records shall be retained for a minimum period of three months.
- C. A licensee shall keep a written or electronic record of the daily work assignment and hours of each staff member to ensure this individual's whereabouts and classroom assignment, and retain these records for a minimum period of three months.

17. Enrollment

- A. A licensee shall ensure that the daily population at the center is in accordance with the capacity restrictions on the center's license.
- B. A licensee shall provide a prospective purchaser of care with information detailing the individual's right to inspect the active record and complaint files of the center as described in 31 **Delaware Code**, Section 398. As a part of the enrollment or application process, the licensee shall require the parent/guardian of children who are enrolled to read and sign *The Parents Right to Know Act* form and keep the signed document on file at the center. A copy of the signed document shall be given to the parent/guardian. In the event that the parent/guardian does not enroll the child, the signed document shall be kept on file for a minimum period of three months as proof of presenting the information.
- C. A child shall attend the center only when the information listed in Section 19 is obtained from the parent/guardian, placed in the child's on-site confidential file, and updated regularly.
- D. A licensee shall ensure that enrollment procedures involve a meeting with the parent/guardian and the child, when possible, to:
 - i. Determine if the center's program can effectively meet the child's developmental and educational needs and abilities and to determine the accommodations or other planning needed to do so; and
 - ii. Provide an opportunity for the parent/guardian and child to observe the center and program.

18. Release of Children

A licensee shall provide written policies and procedures for the routine and emergency release of children, including the following, to the parent/guardian of children in attendance, staff, substitutes, and volunteers:

- A. Procedures to follow documenting that the release of a child from the responsibility of center staff shall only be to a person authorized by the parent/guardian;
- B. Procedures to follow for requiring photo identification for individuals unknown to the center who are identified as authorized releases, except for bus drivers contracted by the child's school;
- C. Procedures to follow when a person not authorized to receive a child, or when a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child; and
- D. Procedures to follow for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian.

19. Child Files

A licensee shall have an on-site confidential file for each child at enrollment and an established procedure to ensure that information supplied by a parent/guardian is maintained and kept current and available to staff responsible for a particular child on a need-to-know basis. This file shall be available upon request for at least three months after disenrollment and shall include the following:

Child's File Shall Include:
• The child's first/last name, date of birth, address, and telephone numbers including home and parents'/guardians' cell phone numbers, if applicable;
• Parents'/guardians' name(s), place(s) and hours of employment, and work phone number(s), if applicable;
• Emergency telephone numbers for at least two individuals authorized for release of the child;
• Name and telephone number of the child's health care provider;
• Health appraisal and immunization record (or notarized religious or medical exemption from immunization) on file at the center within 30 calendar days of enrollment;
• First and last names of all people authorized to pick the child up from the center;
• If applicable, relevant copies of court orders on custody and visitation arrangements provided by the parent/guardian;
• Date of enrollment, hours/days child is scheduled to attend the center, and date of termination of enrollment, if applicable;
• If provided by the parent/guardian, a statement of the child's medical, developmental, or educational special needs including copies of an IEP, IFSP and Section 504 plan and information on any allergies, existing illnesses or injuries, previous serious illnesses or injuries, and all prescription and non-prescription medication;
• Written authorizations from parent/guardian for: emergency medical treatment, release of child, and if applicable, special dietary needs, swimming activities, administration of medication, television and computer use, and transporting the child on a routine or off-premises basis;
• If applicable, administration of medication records of a child and accident and injury reports, including copies of reports submitted to the OCCL as required by these regulations; and
• Parent/Guardian signature forms as required by federal, State, or local governments or the OCCL, such as receipt of information specified in <i>The Parents Right to Know Act</i> .

20. Personnel Files

A licensee shall have a personnel file for each staff member including all substitutes, and volunteers working over five days or 40 hours a year, except as stated in Section 31. This file shall be available upon request for at least three months after employment/association ends. Except as noted, all file contents are required at the start of employment and shall include the following:

Personnel File Shall Include:
• Personal data sheet, completed application, or résumé containing the staff member's name, date of birth, home address, and telephone number;
• Date of employment or volunteer start date, termination date (as applicable);
• Two references from two adults who are not related to the staff member who can verify the staff is of good character and can meet the needs of children; These references can be letters or documentation of the reference's name, contact information, date of reference contact, contents of the conversation with a reference, and name of person receiving verbal reference;
• Release of employment history form, Service Letters obtained or pertinent documentation showing requests and follow-up for Service Letters have been made. Two additional letters of reference or verbal references as described above are required if no previous employment or if unable to secure at least one service letter with appropriate documentation;
• Professional development plan within three months of hire, if applicable;
• Qualifications certificate, if applicable;
• Written records of required health appraisal that includes verification of the employee's

Personnel File Shall Include:	
	ability to perform essential job functions and conducted within one year before hire date and submitted within the first month of employment. The required health appraisal may be submitted between 30 and 60 days after the start of employment upon documentation from the health care provider that the health appraisal appointment is scheduled during this extended period and that no earlier appointment date could be secured;
	<ul style="list-style-type: none"> • Written evidence on file within the first month of employment of freedom from communicable tuberculosis verified by test or medical professional risk assessment within one year before the date of initial employment at the center, with further testing if there are specific concerns from a health care professional regarding the employee's health or in accordance with current guidelines of the Delaware Division of Public Health (current website is www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf);
	<ul style="list-style-type: none"> • A statement signed by the staff member stating the staff member's status regarding all previous conviction(s), current indictment or involvement in criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in another state or country;
	<ul style="list-style-type: none"> • Documentation of a fingerprinting appointment scheduled before the start of employment with verification of fingerprinting form presented within 30 calendar days of the staff member's start date;
	<ul style="list-style-type: none"> • Verification of adult abuse registry check;
	<ul style="list-style-type: none"> • Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or unlawful possession, manufacture, or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place;
	<ul style="list-style-type: none"> • If transporting children, a copy of a current driver's license;
	<ul style="list-style-type: none"> • Copy of job description;
	<ul style="list-style-type: none"> • Written proof that safe sleep procedures (for programs serving infants) and child abuse and neglect recognition and reporting procedures have been reviewed with the staff member yearly;
	<ul style="list-style-type: none"> • Orientation form that includes written documentation that the information in these regulations was reviewed as required; and
	<ul style="list-style-type: none"> • Record of annual training hours, if applicable.

21. General Human Resources and Personnel Policies

A licensee shall have and follow written personnel policies and practices that at a minimum include procedures for hiring, discipline, dismissal, suspension, fraud, and lay-off of staff in accordance with applicable laws, and make them available to all staff and on request by prospective staff.

22. General Qualifications

- A. A licensee shall ensure that each staff member has an understanding of and respect for children and their needs and for a child's family and culture.
- B. A licensee shall ensure that use of alcohol or a drug that could adversely affect essential job functions, unlawful possession, manufacture or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place.
- C. A licensee shall ensure that a background check is conducted on staff by the Delaware State Police. The appointment must be scheduled before the start of employment and the staff member shall not be alone with children until the background check results are received and suitability determined. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted within 30 calendar days of hire. Results of all record checks shall be placed in the staff member's file.
- D. A licensee shall complete an adult abuse registry check through the Department of Health and Social Services' website [<http://dhss.delaware.gov/dhss/dltcrp/Default.aspx>] or other available mechanism for staff members on or before their first day of employment. The results are to be printed and added to the staff member's file.
- E. A licensee shall not employ or retain a person as a staff member who is prohibited or disqualified from working in child care in Delaware. The licensee shall not employ or retain in

any capacity a person convicted of an offense defined as child sex abuse in 11 Delaware Code, Section 8550 or whose child or children are currently removed from this individual's custody because of abuse or neglect or who are on the Child Protection Registry at a Level III or Level IV.

23. Adult Health Requirements

A licensee shall ensure that a staff member does not provide personal care to or have direct contact with children when that staff member is known to have a communicable disease which is readily contagious to others. A licensee shall inform the Division of Public Health of a reportable communicable disease in accordance with the division's procedures. Attendance of staff shall be under Public Health's direction.

24. Child Abuse and Neglect Reporting Requirements

A. A licensee shall develop, adopt, follow, and maintain on file written policies and procedures for handling an incident of suspected child abuse or neglect which occurs while a child is in or out of the center's care to comply with applicable laws.

B. Allegations of Abuse or Neglect against a Staff Member

- i. The licensee shall ensure children are not abused or neglected.
- ii. The licensee shall take corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the center by a staff member; and
- iii. A staff member alleged to have perpetrated an incident of child abuse or neglect shall not have direct contact with any child, but may, at the discretion of the licensee, be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed.

25. Orientation

A licensee shall document that all staff members, all substitutes, and volunteers working more than five days or 40 hours a year have been given an orientation training session before working with children. This includes the opportunity to ask questions and receive clarification and periodic updates, as information is revised, on their job functions, child care licensing regulations (a copy of which shall be readily accessible to staff), and center policies on the following:

- A. Emergency preparedness, disaster and evacuation plans and procedures; personnel and administrative policies; positive behavior management; safe sleep procedures including prevention of sudden infant death syndrome, shaken baby syndrome and abusive head trauma; routine and emergency health care including health exclusions and prevention and recognition of the symptoms of childhood illnesses including reportable communicable diseases; prevention and response to emergencies due to food allergies; building and physical premises safety; handling and storage of hazardous materials; proper disposal of bio-contaminants; child accident and injury procedures; administration of medication; child care goals and program for children; recordkeeping; family involvement; food and nutrition services; safety and sanitation procedures; physical activity; screen time; photographing or videotaping children; transporting children, if applicable; and release of children;
- B. Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and the center's procedures to report abuse and neglect; and
- C. Information on federal or State laws or regulations applicable to children and families in care, including non-discrimination.

26. Owner of a Center

- A. The owner of a center shall be considered staff and actively involved if present at the center during regular hours of operation for seven or more hours per week or if working as a staff member as defined in these regulations. The personnel file of such an owner shall be on site and available for review and is only required to contain the following:

Active Owner's File Shall Include:
• Job description;
• Verification of annual training, if applicable;
• Verification of current first aid and CPR training;
• A professional development plan within three months of start of ownership, if applicable;
• Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or possession of a controlled substance is prohibited in the workplace; and
• If transporting children, a copy of a current valid driver's license.

- B. All owners of a center who do not meet the requirements of Subsection 26.A are not required to have a personnel file on site.

27. Staff Qualifications

- A. A licensee shall ensure that sufficient qualified staff as described in these regulations are hired and retained in order to meet the requirements of these regulations. A copy of the qualifications certificate shall be maintained in the staff member's file.
- B. Staff members qualified through the OCCL's designee, Department of Education, Delaware First, before the effective date of these regulations shall retain that qualification.
- C. A licensee shall ensure that each staff member without a valid qualifications certificate at a center submits, within 60 days of hire, true and accurate written documentation to the OCCL's designee, currently Delaware First, showing how the staff member is fully qualified for a particular position. The qualifications certificate shall be maintained in the employee's file. The OCCL shall determine what education, training, or experience is acceptable as an equivalent to meeting stated qualifications. When applicable, credits from a regionally accredited college or university based on specific topic areas/titles may serve as a substitute for other equivalent training as approved or accepted by the OCCL or its designee. Supervised experience may be substituted for the required experience for designated positions and will reduce the amount of experience required by half.
 - i. To participate in supervised experience as described in Subsections 27.E, 27.G, 27.H, and 77.C, a staff member must demonstrate during the designated period of continuous employment at a single licensed Delaware early care and education or school-age center, the ability to create, select, present, and evaluate developmentally-appropriate lessons, activities, and curriculum for individual children as well as for small and whole groups of children. For early childhood positions and school-age positions when the center does not employ a school-age administrator or school-age site coordinator each with a degree, demonstration must occur under the formal documented supervision of a qualified early childhood administrator or early childhood curriculum coordinator, each with a degree.
 - ii. In the event that false qualifications documentation is submitted to the OCCL or its designee, the applicant will be notified that the applicant will be unable to submit new or updated documentation for one year.
 - iii. The OCCL and its designee will only accept high school diplomas obtained through regionally accredited agencies. The secondary credential assessment, such as the GED ® Test and alternatives will only be accepted if the examination was completed through the American Council on Education or individual state-sanctioned agencies.
 - iv. Proof of a high school diploma or its equivalent, college transcripts, or proof of degree from another country used to verify qualifications for a position described in these regulations must be evaluated by an independent credentialing agency approved by the OCCL or its designee.

D. Early Childhood Administrator

A licensee shall ensure that the early childhood administrator of the center is at least 21 years of age and meets the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits ¹	Experience ²
<p>At least a bachelor's degree or associate degree from a regionally accredited college or university</p>	<p>All areas of study</p>	<p>Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three hour early childhood elective of the learner's choice</p>	<p>18 months of experience working with children ages birth through second grade in a group setting</p>
<p>¹ Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as an early childhood administrator.</p>			
<p>² Three months of supervised student teaching of children birth through second grade may substitute for six months of the required experience.</p>			

- i. A licensee shall ensure that the early childhood administrator who manages the center's administrative duties such as human resources/personnel and fiscal has successfully completed 15 clock hours of approved training in administration, which may be included in the total number of college or university credits required for the position unless the duties are not the responsibility of the early childhood administrator. A written plan approved by the OCCL shall be required if the duties are not the responsibility of the early childhood administrator. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL.
- ii. An early childhood administrator without a degree, who before the effective date of the January 1, 2007, regulations was known as the program director at a particular center, shall be able to serve as the early childhood administrator provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center and that has a qualified early childhood curriculum coordinator with at least an associate degree functioning in that role.

E. Early Childhood Curriculum Coordinator

A licensee shall ensure that an early childhood curriculum coordinator is at least 20 years of age and meets one of the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits	Experience ¹
Bachelor's degree from a regionally accredited college or university	Early childhood education, child development, elementary education, elementary special education or child psychology	Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning	Three months of supervised student teaching birth through second grade - or - Six months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Same as above	Six months of experience working with children birth through second grade in a group setting
Associate degree from a regionally accredited college or university	Early childhood education, child development, elementary education, or elementary special education	Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning	Three months of supervised student teaching birth through second grade - and - Three months of experience working with children birth through second grade in a group setting
			Six months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Same as above	12 months of experience working with children birth through second grade in a group setting
High school diploma or equivalent recognized by Delaware Department of Education	All areas of study	Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning	24 months of experience working with children birth through second grade in a group setting
¹ Supervised experience may be substituted for the required experience and will reduce it by half.			

- i. An early childhood curriculum coordinator without a degree may fill this position provided that the early childhood administrator is qualified with at least an associate degree and is functioning in that role.

F. Early Childhood Administrator or Early Childhood Curriculum Coordinator – Specialized Training

- i. If the center serves infants or toddlers, a licensee shall ensure that the individual functioning as either the early childhood administrator or early childhood curriculum coordinator has successfully completed 15 clock hours of approved training in infant or toddler development and curriculum. The clock hours may be translated from the college or university credits and included in the total number of college or university credits required for the position.
- ii. If the center serves school-age children, a licensee shall ensure that the individual functioning as either the early childhood administrator or early childhood curriculum

coordinator has successfully completed 15 clock hours of approved training in school-age care. The clock hours may be translated from the college or university credits and included in the total number of college or university credits required for the position. A center employing a qualified individual who functions as a school-age administrator shall be exempt from this requirement.

G. Early Childhood Teacher

A licensee shall ensure that an early childhood teacher is at least 18 years of age and meets one of the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits	Experience ¹
Bachelor's degree or associate degree from a regionally accredited college or university	Early childhood education, child development, elementary education, elementary special education, or child psychology	Successful completion of at least six credits in child development or early childhood education	Three months of supervised student teaching birth through second grade - or - Six months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Successful completion of at least six credits in child development or early childhood education	Six months of experience working with children birth through second grade in a group setting
High school diploma or equivalent recognized by Delaware Department of Education	All areas of study	Successful completion of at least nine credits of which three credits must be in early childhood education, child development, and positive behavior management. -or- Valid Child Development Associate Credential or CDA -or- Successful completion of Training for Early Care and Education 1 and 2 or TECE 1 and TECE 2 -or- Montessori Infant and Toddler Full/Associate Credential or Montessori Early Childhood Full/Associate Credential from a MACTE approved training program -or- Successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program -or-	12 months of experience working with children birth through second grade in a group setting
		Successful completion of a vocational or technical high school's three year program in early childhood education approved by Delaware's Department of Education -or- Successful completion before 2007 of a one year early childhood diploma program from a two year college	
¹ Supervised experience may be substituted for the required experience and will reduce it by half.			

H. Early Childhood Assistant Teacher

A licensee shall ensure that an early childhood assistant teacher is at least 18 years of age and meets the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits	Experience ¹
High school diploma or equivalent recognized by Delaware Department of Education	All areas of study	Successful completion of at least three credits in early childhood education and three credits in child development - or - Successful completion of Training for Early Care and Education 1 or TECE 1 - or - Successful completion of a traditional high school's career pathway program in early childhood education approved by Delaware's Department of Education	Six months of experience working with children birth through second grade in a group setting
¹ Supervised experience may be substituted for the required experience and will reduce it by half.			

I. Early Childhood Caregiver

A licensee shall ensure that an early childhood caregiver is at least 18 years of age and, before the effective date of the January 1, 2007, regulations, was in the position formerly known as a caregiver at a particular center and received an early childhood caregiver certificate from the OCCL to continue in that capacity before January 1, 2009.

The position of early childhood caregiver is acceptable provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center.

J. Early Childhood Intern

A licensee shall ensure that an early childhood intern is at least 16 years of age or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood. An early childhood intern may count in the staff/child ratio, must always be under the direct observation of at least an early childhood assistant teacher, and may not be alone with children except as specified below. An early childhood intern must be at least four years older than any child in his or her direct care and meet one of the following education qualifications with documentation on file at the center:

Education
<ul style="list-style-type: none"> • Successful completion of at least 15-clock-hours of quality-assured training in early care and education; <li style="text-align: center;">or - • Successful completion of at least three college or university credits from a regionally approved college or university in either child development or early childhood education; <li style="text-align: center;">or - • Successful completion of the education requirement for a higher level position contained in these regulations.

- i. **While maintaining required ratios and group size, a qualified early childhood intern may be alone with children when:**

Times when Interns may be left alone with Children:
• Walking children to or from a bathroom;
• Walking children to or from receiving first aid treatment;
• Walking children to or from a bus stop;
• Walking children from one classroom or area to another within the center; and
• Supervising an ill child while waiting for pick-up by a parent/guardian.

K. Early Childhood Aide

An early childhood aide must be at least 16 years of age or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center. An early childhood aide must always be under the direct observation of at least an early childhood assistant teacher or early childhood caregiver, may not be alone with children, and must be at least four years older than any child in his or her direct care. An early childhood aide will count in the staff/child ratio only during the first 12 months of employment at a single center. An early childhood aide attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center, may count in the staff/child ratio while enrolled in the high school program.

28. Staffing

- A. A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood administrator.
- B. A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood curriculum coordinator.
- C. An early childhood administrator shall also be able to serve as the early childhood curriculum coordinator provided the early childhood administrator meets the qualifications with at least an associate degree and:
 - i. The center has a capacity of 60 or fewer children; or
 - ii. The licensee shall ensure through a written plan approved by the OCCL that the center's administrative duties such as human resources/personnel and fiscal are not the responsibility of the early childhood administrator. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL.
- D. A licensee shall ensure that a staff member who meets the qualifications and functions as an early childhood administrator or early childhood curriculum coordinator is at the center at least 60% of the hours of operation. The early childhood administrator shall be present at least 20 hours a week or 30% of the hours of operation.
 - i. When the early childhood administrator or early childhood curriculum coordinator is not present, an assigned staff member that at least meets the qualification of early childhood teacher is present and specifically designated as responsible for the early care and education and school-age center. This staff member shall have documented training in the day-to-day operations of the center such as the center's emergency procedures, opening/closing procedures, location of and access to child and staff files, and supervision of children and staff.
 - ii. If an early childhood administrator is responsible for two or more centers, each with capacities of 60 or fewer children, a staff member who meets the qualifications for the position of an early childhood administrator or early childhood curriculum coordinator shall be at each center at least 50% of the hours of operation.
- E. A licensee shall follow a one-to-four ratio of early childhood teachers to early childhood assistant teachers, early childhood caregivers, early childhood interns, and early childhood aides as indicated in the table below during all hours of operation:

Number of Early Childhood Teacher(s)	Total Number of Early Childhood Assistants, Caregivers, Interns, and Aides
1	1 to 4
2	5 to 8
3	9 to 12
4	13 to 16
5	17 to 20
<i>(continue as needed)</i>	

- F. Staff charged with caring for children shall not be given other duties or participate in personal activities such as using a cell phone which would interfere with providing care to children. A licensee shall ensure that providing child care is the primary focus for all direct-care staff during the hours of operation and that supervision of each child is provided at all times.

29. Staff Communication

A licensee shall have and follow an organized system of documented communication among staff to ensure that a staff member assuming responsibility for a child or children, as during shift changes, for example, is informed of significant information, problems, needs, or special circumstances involving a child or children.

30. Ratios, Group Size, and Supervision

A licensee shall ensure that direct supervision of children is provided at all times through the assignment of qualified staff physically present and working with children to maintain the following minimum staff/child ratio and maximum group size for each age group listed during daily activities at the center as indicated in the table below:

	Age of Child	Minimum Staff/Child Ratio	Maximum Group Size
Infant	Under 12 months	1:4	8
Young toddler	12 through 23 months	1:6	12
Older toddler	24 through 35 months	1:8	16
Young preschool child	36 through 47 months	1:10	20
Older preschool child	48 months or older and not yet attending kindergarten or higher	1:12	24
School-age child	Attending kindergarten or higher	1:15 ¹	30
<p>¹ A licensee may apply for a variance from the minimum staff/child ratio to a staff/child ratio of 1:20 when a currently certified State of Delaware teacher is teaching school-age children in the teacher's area of certification. The licensee must have and follow a plan to comply with the staff/child ratio of 1:15 when a certified teacher as described above is not present (such as during planned or unplanned absences, before and after care, etc.). A copy of the teacher's current certification and the licensee's plan for teacher absence must be submitted to OCCL with the Variance Request form. No variance from the maximize group size of 30 will be granted.</p>			

- A. A licensee shall maintain the full staff/child ratio for infants at all times and a staff member shall be assigned to care for specific infants and toddlers within their group.
- B. For mixed age groups, the staff/child ratio and group size requirements are those for the age of the youngest child present.
- C. A licensee shall ensure that during nap times when children one year and older are sleeping, at least half of the required staff are physically present with each group of children and directly observing the children. Maximum group size shall be maintained.
- D. A licensee shall have at least two staff present when seven or more children one year and older are present. When six or fewer children one year and older are present with only one staff member, that staff member must be qualified at least as an early childhood teacher. The licensee shall have and follow emergency procedures providing immediate access to emergency services and additional staff when only one staff member is present with children at the center.
- E. A licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children unless 12 or fewer children in total are present or during the first 90 minutes and last 90 minutes of a center's hours of operation. Maximum group size does not have to be maintained when 12 or fewer children are present in the center. Mixing of age groups is permitted for special events or occasions.
- F. A licensee shall ensure that when 10 or more school-age children are in attendance, the school-age children are cared for in an area physically separated from younger children.

31. Substitutes, Volunteers, and Contracted Special Services Persons

A licensee shall ensure that a substitute or volunteer may be 15 years old only if they are attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment and attendance in the programs shall be on file at the center.

A. Substitutes

- i. A licensee shall have substitute staff that are at least 16 years of age, including documentation of their qualifications to fill a particular position during the absences of permanent staff if left alone with children.
- ii. A substitute who is not fully qualified shall be allowed to count toward staff/child ratio and must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times. When the position of early childhood administrator or early childhood curriculum coordinator, if applicable, is vacant for 30 days or more, a substitute or person filling that role must be qualified for and function in the designated position.

B. Volunteers

- i. Volunteers without a complete personnel file may not be alone with children and must always be supervised by at least the designated early childhood teacher or designated school-age site assistant who has been assigned responsibility for the early care and education or school-age center. If working with children, volunteers must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times, including while transporting children or on field trips.
- ii. A licensee shall ensure that volunteers are at least 16 years of age and counted for the purposes of staff/child ratios only when it is documented that they are fully qualified for the particular position in which they are volunteering.
- iii. Volunteers providing unpaid services of less than five days or 40 hours a year shall not be required to have background checks and may never be alone with children. Volunteers providing unpaid services of more than five days or 40 hours a year are required to have background checks.
- iv. Volunteers working as part of an institution of higher education's degree-granting program and assigned to an early care and education and school-age center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the center. A complete file is not required.

C. Contracted Special Services Persons

- i. Individuals providing contracted special services and not employees of the center (such as tutoring, computer education, and language lessons) may not be alone with children, may not count in staff/child ratios, and must have a background check conducted for the center if present five days or 40 hours per year.
- ii. A complete staff file is not required for individuals described in Subsection 31.C.i.

32. Annual Training

- A. A licensee shall ensure and provide documentation that the early childhood and school-age administrator and all staff providing direct care to children, including an actively-involved owner, participate in annual training directly related to the staff member's position. Training in administration of medication shall count toward annual training. Training in CPR and First Aid shall count toward a staff member's annual training requirement, for initial certification, and when required for certification renewal.
 - i. Staff members, including early childhood or school-age administrators working 25 or more hours per week, shall participate in at least 18 clock hours of training annually.

- ii. Staff members, including early childhood or school-age administrators working less than 25 hours per week, shall participate in at least nine clock hours of training annually.
 - iii. For the purposes of this Subsection, owners, substitutes, or volunteers that count in staff/child ratios and work or volunteer seven hours or more per week, shall be required to complete annual training as specified in Subsections 32.A.i and 32.A.ii. Owners, substitutes, and volunteers who work less than seven hours per week and that do not count in staff/child ratios shall be exempt from annual training requirements.
 - iv. Staff members not providing direct child care, such as those assigned only to clerical, bus driver/operator, janitorial, or food service duties, shall be exempt from annual training requirements.
- B. All training shall be in topic or core areas associated with improving quality in early care and education and school-age care. Topics shall include the following core areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration.
 - C. Training taken must cover a minimum of three core areas unless documented in the individual's annual professional development plan by the facility's early childhood or school-age administrator that other training is needed or if the staff member is applying credits for successfully completing a regionally accredited college or university course, successfully working toward a credential issued by the Delaware Department of Education, or when the training is six or more clock hours in length.
 - D. A licensee shall ensure that new staff members who have been employed at the center for at least six months, but less than one year, at the center obtain at least half of the required training hours for their position.
 - E. A licensee shall ensure staff members complete annual training during the time period beginning at the start date and ending at the expiration date of the center's license.

33. Annual Professional Development Plan

A licensee shall ensure that a written professional development plan is completed for the early childhood or school-age administrator and each staff member providing direct care to children within three months of hire and updated annually. This plan shall be maintained in the individual's staff file and include professional development goals for the upcoming year. An annual professional development plan must be completed for individuals required to have training as specified in these regulations.

34. First Aid and CPR Training

- A. Unless staff is currently certified, a licensee shall document during an orientation period, not to exceed two months of hire, that staff qualified to be alone with children complete classroom-based certifications in First Aid and in cardio-pulmonary resuscitation or CPR which require a skill demonstration and is appropriate to the ages of the children staff are assigned to care for. Certifications shall be maintained.
- B. At least one staff member properly certified in First Aid and CPR training, applicable to the ages of the children, must be present during all hours of operation when children are in attendance, including the beginning and end of the day and during off-site activities such as outings or field trips.

35. Parents/Guardians Communication

A licensee shall have and follow an organized system of respectful communication with parents/guardians that incorporates the use of written policies in a handbook that is provided to a parent/guardian at enrollment that includes:

Parent/Guardian Handbook Shall Include:
<ul style="list-style-type: none"> • Assurances that parent’s/guardian’s visits and monitoring of the program are welcomed and permitted without prior approval of the center;
<ul style="list-style-type: none"> • Assurances of nondiscrimination based on sex, race, religion, cultural heritage, disability, marital status, economic status, or other protected class;
<ul style="list-style-type: none"> • A statement of the center’s developmental and educational goals for all children as stated in Subsection 66.B including procedures for ensuring that the parent/guardian is kept regularly informed concerning the program and their child’s developmental and educational progress including a minimum of one annual conference between center staff and the parent/guardian;
<ul style="list-style-type: none"> • Information about procedures used by the center to assess children’s accomplishments and needs and, when there are concerns, to refer the parent/guardian for additional help in the community;
<ul style="list-style-type: none"> • Upon request, a procedure for informing the parent/guardian of the identities of the governing body members and owners, as applicable;
<ul style="list-style-type: none"> • A procedure encouraging the parent/guardian to review current licensing regulations that are made available at the center;
<ul style="list-style-type: none"> • A procedure for making and handling complaints from the parent/guardian regarding the center;
<ul style="list-style-type: none"> • A typical daily schedule of the center's programs and activities;
<ul style="list-style-type: none"> • A written explanation of the center’s policy on positive behavior management, food and nutrition services, safety and sanitation, physical activity, screen time, photographing or videotaping children, and transporting children, as applicable;
<ul style="list-style-type: none"> • Procedures related to release of children;
<ul style="list-style-type: none"> • A copy of the center’s routine and emergency health care plan including health exclusions, written notification of an outbreak of a communicable disease, and administration of medication;
<ul style="list-style-type: none"> • Procedures to regularly report accidents or critical incidents involving the child and other important information relating to the child;
<ul style="list-style-type: none"> • A written explanation of the mandatory reporting of child abuse and neglect;and
<ul style="list-style-type: none"> • Procedures stating that written permission from the parent/guardian is required before disclosing or using a child’s written, electronic, or digital information except in the performance of official duties by employees of the OCCL or other entities with statutory responsibilities for issues relating to the health, safety, and well-being of children

- A. A licensee shall ensure that staff create and use a written transition plan when admitting a child new to the center or when moving a child permanently from a particular group or room. The parent/guardian shall be informed in advance of a permanent change in the placement of a child.

PART III PHYSICAL ENVIRONMENT AND SAFETY

36. General Safety Practices

- A. A licensee shall show evidence of security procedures that ensure access to children is limited to authorized people.
- B. A licensee shall ensure that every building or part thereof that is used as a center, is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local and municipal regulatory bodies with written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation, and fire safety.

- C. A licensee shall maintain all areas of the center in a clean, safe condition free from hazards. This includes floors, walls, counter surfaces, toilets, or any rough surfaces or finishes that may present a hazard to health and safety.
- D. A licensee shall ensure that all structures, fences, equipment, and grounds are maintained in a clean, safe condition so as to be free from hazards to health and safety, including appropriate lighting of outdoor areas that are used while it is dark. Grounds shall drain either naturally or through installed drainage systems so there is no standing drainage water on the premises. All areas at the center determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots shall be fenced off or have natural barriers to protect children.
- E. A licensee shall ensure that the center is free of hazardous materials and shall maintain evidence that, if the building were constructed in or before 1978, the center has been tested for and found to be free of lead-based paint hazards. Buildings constructed after 1978 are exempt from lead-paint testing.
- F. A licensee shall ensure that the temperature of the water from all water faucets and other sources accessible to children in care not exceed 120° F. All sinks shall supply hot and cold water under pressure at all times and all plumbing shall comply with State and local plumbing codes. Water supply and the sewage disposal shall be approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively. Portable sinks are prohibited.
- G. In areas accessible to children, only containers designated for clean, recyclable paper may be present without a cover. A licensee shall ensure that garbage and trash are stored securely in non-combustible, covered containers. Indoor containers shall be emptied at least daily to an outdoor receptacle and kept clean. Outdoor trash/garbage containers shall be inaccessible to children, emptied at least weekly, and, with the exception of dumpsters, cleaned as needed.
- H. A licensee shall ensure that containers of poisonous, toxic, or hazardous materials are prominently and distinctly marked or labeled for easy identification as to contents. These materials shall be used only in the manner and under the conditions that will not contaminate food or constitute a hazard to the children in care or to staff. These materials shall be stored in a locked storage space accessible only to authorized staff. Materials required for routine cleaning and maintenance shall be stored and used in a safe manner. The storage of flammable liquids and gases shall not be permitted in the center except as allowed by the Office of the Fire Marshal.
- I. A licensee shall ensure that porches and elevated walkways or surfaces of more than two feet in height have hazard-free barriers to prevent falls, and stairways, over four steps inside and out, have handrails at a maximum of 38 inches high and are safe for children and adults.
- J. A licensee shall ensure that every exit, exit access, and exit discharge is free of obstruction at all times. All closets shall be provided with doors that can be readily opened from both sides.
- K. A licensee shall ensure that glass door panels and windows within 36 inches of the floor have safety guards at children's eye level such as rails or mesh or be of safety-grade glass or polymer and equipped with a vision strip or decal.
- L. A licensee shall ensure that all buildings used by a center are rodent-free and free of insect infestation.
- M. An individual with current water safety instructor training or senior lifesaving training from the American Red Cross or its equivalent shall be on duty when the children in care are swimming. Portable wading pools shall be prohibited and permanent or built-in swimming and wading pools that are left filled when not in use shall be inaccessible to children.
- N. A licensee shall ensure that a center has child-proof receptacle covers in electrical outlets accessible to children including power strips not in use, or has electrical outlets that are of the child-resistant ground-fault circuit-interrupter or GCFI type.
- O. A licensee shall ensure that a center is ventilated to ensure that the air quality within the center provides a healthy environment for children and adults. Insect screening in good repair shall be used for all exterior doors and operable windows when the doors and windows are used for ventilation, provided that all requirements for fire safety have been met. If a ventilation system is not provided, a center shall have window area equal, at a minimum, to 4.5% of the floor area of the center. Half of this window area shall be operable.
- P. A licensee shall ensure that heating and cooling equipment, hot water pipes, or radiators are safely shielded or insulated to prevent the injury of children.

- i. Heating, cooling, and plumbing equipment shall be properly installed, cleaned, and maintained to operate safely.
 - ii. Floor or window fans must be inaccessible to children and bear the safety certification mark of a recognized testing laboratory such as Underwriters Laboratories or Electro-Technical Laboratory.
- Q. A licensee shall ensure that room temperatures in rooms used by the children are maintained at a minimum temperature of 68° F and a maximum of 82° F measured three feet above floor level unless there is conflict with federal and State energy laws. Portable space heaters shall be prohibited. For a center licensed after January 1, 2007, air conditioning shall be used during hot weather to keep rooms used by children at a comfortable temperature. Except as provided below, a center shall be required to inform the OCCL and close temporarily if the minimum or maximum room temperature cannot be maintained. If room temperature is above 60° F and below 90° F, a center shall restore room temperature to above 68° F and below 82° F within the next 4 hours.

37. Smoking Prohibited

A licensee shall inform staff members and others at the facility that smoking is prohibited at all times anywhere inside the center, in the outdoor play area, while transporting children, and in the presence of children during field trips or routine program outings sponsored by the center.

38. Indoor Space

- A. A center shall have sufficient natural and artificial lighting to allow for the supervision of the children and provide illumination of at least 30 foot candles at floor level in areas where children's activities occur.
- B. A licensee shall ensure that interior space designated for the use of children is available to children when the center is in operation and is arranged to allow each child adequate space for free movement and active play. A center shall have at least 35 square feet for each child in each area or room used by children. Measurements shall be from wall to wall on the inside. Toilet rooms, kitchen areas, isolation areas for ill children, offices, storage spaces, hallways, furnace rooms, gymnasiums, and other areas not used as classroom space shall not be counted in determining a center's capacity.
- C. A licensee shall provide children with individual storage space, labeled with their name, for personal belongings so that clothing or bedding used by a child does not come into contact with that used by other children.

39. Area for Children Who Become Ill

A licensee shall ensure that a center has a separate area, not located in the kitchen or toilet area, where children who are exhibiting illnesses or symptoms requiring exclusion from the center are cared for until they can be removed from the center or are determined to pose no risk to themselves or others.

- A. The separate area shall be furnished with rest equipment provided with clean bedding.
- B. The child's individual needs for rest, comfort, food, drink, and activity shall be met until the child can be picked up by a parent/guardian or it is determined by a health care provider/consultant that the illness or symptoms pose no serious health risk to the child or to other children.
- C. All items used by an ill child, including rest equipment, bedding, utensils, and toys shall be cleaned with soap and water and disinfected before being used by another child.

40. Outdoor Climate and Space

- A. Weather permitting, a licensee is required to provide daily opportunities for outdoor play when the wind chill factor is 32°F or higher or the heat index is 89°F or lower and the weather and environmental conditions do not pose a significant health or safety risk. Outdoor play during periods outside this temperature range shall be at the discretion of the provider, unless the National Weather Service (www.weather.gov) has issued an advisory regarding health or safety risks for the local area. Children shall be appropriately dressed for the weather.

- B. A licensee shall maintain or have access to an outdoor play area with at least 75 square feet for each child for the maximum number of children who will use the playground at one time with a space suitable for gross motor moderate to vigorous physical activities, including running. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time.
- C. A licensee shall ensure that the outdoor play area for school-age children is physically separated or used at separate times from the area provided for younger children.
- D. A center licensed before the effective date of the January 1, 2007, regulations shall maintain or have access to an outdoor play area with at least 50 square feet for each child for the maximum number of children who will use the playground at one time. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time. If the capacity of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the outdoor play area is in compliance with these regulations.
- E. A licensee shall ensure that the outdoor play area is situated adjacent to or within close proximity to the center, is available daily to the children by a safe route, and has a shaded rest area for children. Staff shall inspect outdoor areas before children begin to play to ensure there are no hazards present and play equipment is safe for use. Outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner including being covered when not in use. Use of trampolines is prohibited.
- F. A licensee shall ensure that the center's outdoor play areas are fenced. Use of parks or other off-site play areas that are not fenced and used to comply with the outdoor space regulations requires OCCL approval. Fencing shall be sturdy, safe, and reinforced at intervals so as to give support, constructed to discourage climbing, and not prevent observation of children by staff and shall be a minimum of four feet in height with openings no larger than 3½ inches. Fenced areas shall have at least two exits, with at least one being remote from the building. Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or of a type that small children cannot open it.
- G. For a center licensed before the effective date of the January 1, 2007, regulations, the existing fencing shall be acceptable as long as it is safe, free from hazards, and in good repair. When the fencing is replaced, the new fencing shall fully comply with these regulations.
- H. A licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zones of climbing equipment, slides, swings, and similar equipment is of approved resilient material which absorbs falls. The fall zone depth and materials shall follow the instructions as listed in the most recent publication of the U.S. Consumer Product Safety Commission's or CPSC *Handbook for Public Playground Safety* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpscpub/pubs/325.pdf>). All materials used for protective surfaces shall be of a size that prevents choking and all surfaces of the outdoor play area shall be made of materials that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing. Protective surfaces of the fall zone shall extend at least six feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar unless otherwise directed by the CPSC or other recognized authority on playground safety.

Fall Zone Requirements		
Inches	Type of Material	Protects to Fall Height
6	Shredded/recycled rubber	10 feet
9	Sand	4 feet
9	Pea gravel	5 feet
9	Wood mulch	7 feet
9	Wood chips	10 feet
Poured-in-place surfacing or rubber mats designed for outdoor use, if used, must be in the required fall zone and at a sufficient depth or thickness as required by manufacturer's specifications or other approved entity.		

- I. Outdoor play equipment must be securely anchored unless portable by design, in good repair, and placed with regard for safe use and include equipment for vigorous play and large

muscle activity with attention to the needs of the diversity of children served and their abilities to participate.

- J. When a licensee can demonstrate that the outdoor space regulation cannot be met, the licensee shall provide at the site of the center, in addition to the indoor space required by these regulations, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity. The licensee shall have and follow a written plan approved by the OCCL which specifies how large muscle activity will be provided.
- K. For a center licensed before the January 1, 2007, regulations, the indoor space as indicated in these regulations may be at a nearby facility that was previously used and approved by the OCCL unless the capacity of the center increases or the physical plant of the center changes, allowing room for an indoor play space.
- L. A licensee shall ensure that a roof-top or elevated play space above the first floor is protected by a non-climbable, secure, and hazard-free barrier that is at least seven feet in height.

41. Riding Toys

A licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child. These riding toys shall be in good condition, free of sharp edges or protrusions that may injure a child, and not motorized. All children over one year of age shall wear approved safety helmets while riding bicycles and while riding toys with wheels of 20 or more inches in diameter (such as tricycles), or using wheeled equipment (roller blades, skateboards, etc.), and while standing on and using scooters with handles. Helmets shall not be shared unless cleaned between users by wiping the lining with a damp cloth to remove head lice, nits, or fungal spores. Helmets shall be removed as soon as children stop riding helmet-required equipment.

42. Sleeping Accommodations

- A. A licensee shall ensure that the program provides physical care routines including opportunities for rest/sleep for each child in attendance appropriate to each child's individual physical needs. Rest or sleeping equipment shall meet the safety standards required by the U.S. Consumer Product Safety Commission or other recognized authority approved by the OCCL and maintained in a safe condition. The rest area shall be lighted enough to allow for visual supervision. An alternative quiet activity shall be provided for those children who have rested or slept for 30 minutes and do not seem to need or want additional rest or sleep.
- B. A licensee shall ensure that each child, except school-age children who do not sleep at the center, has clean, safe, age-appropriate individual rest equipment such as a crib, playpen, pack-and-play (without ripped mesh), cot, bed, or mat and permitted bedding. A child's rest equipment shall be labeled with the child's name or assigned chart number and used only by that child while attending the program. Chart numbers and assignments shall be documented, kept current, and available for review.
 - i. Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings. Seasonably-appropriate top and bottom coverings, such as sheets and blankets, shall be provided for each child over the age of one year. Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet. A tight-fitting bottom mattress sheet is required for infants.
 - ii. Cots, mats, and crib mattresses shall be cleaned with soap and water and sanitized at least weekly and when soiled or wet. Rest equipment and bedding shall be cleaned and sanitized before being assigned to another child. Sleeping mats shall be stored so there is no contact with the sleeping surface of another mat or disinfected after each use.
 - iii. Each child under 18 months of age and not walking shall sleep in a crib, playpen, or pack-and-play. A child who is between 12 and 18 months of age and is walking may sleep on a cot, bed, or mat and permitted bedding with written permission from the child's parent/guardian.
- C. A licensee shall ensure that cribs and other rest equipment are placed at least 1½ feet apart while in use.
- D. Safe Sleep Practices for Infants and Sudden Infant Death Syndrome or SIDS/Suffocation Risk Reduction**

Cribs must meet the current standards of the U.S. Consumer Product Safety Commission or other safety authority recognized by the OCCL.

- i. Cribs shall not be stacked while in use.
 - ii. Crib mattresses shall be firm and tight-fitting with a tight-fitting bottom sheet only. Pillows, bibs, blankets, bumper pads, cloth diapers other than those worn by an infant, comforters, flat sheets, quilts, sheepskin, sleep positioning devices (except as described in Subsection 42.E), stuffed toys, top sheets, and other items (except a pacifier, if used) are prohibited in a crib. Toys or objects attached to sleeping or rest equipment are prohibited.
 - iii. Soft surfaces such as soft mattresses, pillows, sofas, and waterbeds are prohibited as infant sleeping surfaces.
 - iv. Swaddling of infants requires written parent/guardian consent. The use of blankets for swaddling shall not be used when laying an infant down to sleep; swaddle-blanket sleepers may be used.
- E. Infants shall sleep only in cribs, playpens, or pack-and-plays and be placed on their backs when laid down to sleep or in accordance with the recommendations of the American Academy of Pediatrics. An exception may be granted if the infant's health care provider documents in writing that the infant's physical or medical condition requires an alternative sleeping position or use of a sleep-positioning device. The health care provider must stipulate the specific sleeping position in which that infant must be placed or stipulate the sleep-positioning device and how it shall be used.

43. Toilet Facilities

- A. A licensee shall ensure that a center has enclosed toilet rooms inside the building on each floor where child care has been approved. Each toilet room shall have at least one sink with warm running water and one operable window or ventilation fan. All door locks, if present, must be designed to permit staff to open the locked door readily.
- B. A licensee shall ensure that a center serving toddlers, preschool, and school-age children has at least the number of toilets and sinks in the following ratios:

Ages of Children	Ratio of Number of Toilets to Number of Children ^{1, 2}
24 Months through preschool	1:10
School-age	1:25
¹ Urinals may be counted as half of a toilet for the purposes of this calculation if placed at a height as to be accessible to the age and size of the population served, provided the population served includes a significant number of males, and that a minimum of two flush toilets are available and accessible to both males and females.	
² Staff shall be counted at the school-age ratio in determining the number of toilets if the center does not provide separate toilet facilities for staff.	

- C. A licensee shall ensure that a center serving only children less than 24 months of age has at least one toilet and sink when fewer than 20 children are served and at least two toilets and sinks when more than 20 children are served.
- D. For a center licensed before the effective date of the January 1, 2007, regulations, the existing number of toilets and sinks shall be acceptable as long as the conditions of the original Environmental Health plan approval continue to be met. If the capacity or physical plant of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the toilets and sinks are in compliance with these regulations.
- E. A licensee shall ensure that potty chairs are not substituted for toilets and, if used, are placed in the toilet room. Potty chairs, when used, shall be constructed of plastic or other non-porous material and be cleaned with soap and water and sanitized after each use in accordance with these regulations.
- F. A licensee shall provide liquid soap, toilet paper, and single service towels or a mechanical hand-drying device in the toilet rooms and make them accessible to the children.

- G. A licensee shall ensure that toilet rooms are maintained in a sanitary condition and cleaned daily or more frequently if needed. All surfaces in a toilet room shall be smooth, cleanable, and non-absorbent.

44. Sanitation

- A. A licensee shall ensure that areas and equipment specified in Subsection 44.B are washed with soap and water, and then disinfected as required. Because of the variety of products and strengths available, providing a generic bleach and water dilution ratio for sanitizing and disinfecting is no longer possible. An EPA-registered product or other commercially prepared product for sanitizing and disinfecting shall be used following the manufacturer's instructions including dilution and contact time. These products and their instructions for use shall be available at all times.
- B. A licensee shall ensure that staff wash with a soap and water solution and then disinfect the following equipment, items, or surfaces, as indicated below:

After Each Use	At Least Daily
<ul style="list-style-type: none"> • Potty chairs which have first been emptied into a toilet 	<ul style="list-style-type: none"> • Toilet and toilet seats
<ul style="list-style-type: none"> • Sinks and faucets used for hand washing after the sink has been used for rinsing a potty chair 	<ul style="list-style-type: none"> • Sinks and faucets
<ul style="list-style-type: none"> • Diapering surfaces, as required in Subsection 47.D 	<ul style="list-style-type: none"> • Diaper pails and lids
<ul style="list-style-type: none"> • Food preparation and eating surfaces such as counters, tables, and high chair trays 	<ul style="list-style-type: none"> • Drinking fountains
<ul style="list-style-type: none"> • Toys mouthed by children 	<ul style="list-style-type: none"> • Water table and water play equipment
<ul style="list-style-type: none"> • Mops used for cleaning shall be rinsed, disinfected, wrung dry, and hung to dry 	<ul style="list-style-type: none"> • Play tables
<ul style="list-style-type: none"> • Plastic bibs (cloth bibs maybe used only once before laundering) 	<ul style="list-style-type: none"> • Rest mats that are not stored separately as specified in these regulations
<ul style="list-style-type: none"> • Thermometers 	<ul style="list-style-type: none"> • Cleanable, non-absorbent activity mats such as those used for infant tummy time
	<ul style="list-style-type: none"> • Smooth surfaced non-porous floors

45. Hand Washing

A licensee shall ensure that staff and children wash their hands with soap and running water, including when gloves have been worn, and use single service towels or a mechanical hand-drying device for drying hands, as follows:

Before and After	After
<ul style="list-style-type: none"> • Eating or handling food 	<ul style="list-style-type: none"> • Toileting or diapering
<ul style="list-style-type: none"> • Giving medications 	<ul style="list-style-type: none"> • Coming into contact with blood, fecal matter, urine, vomit, nasal secretions, or other body secretions
<ul style="list-style-type: none"> • Caring for a child who may be sick 	<ul style="list-style-type: none"> • Handling animals or their equipment or after coming into contact with an animal's body secretions
<ul style="list-style-type: none"> • Using a water-play or other sensory table/container with other children 	<ul style="list-style-type: none"> • Playing in a sandbox
<ul style="list-style-type: none"> • Using shared play dough or clay 	<ul style="list-style-type: none"> • Outdoor play
	<ul style="list-style-type: none"> • Cleaning
	<ul style="list-style-type: none"> • Taking out the garbage

46. Standard Precautions

- A. A licensee shall employ standard precautions for protection from disease and infection. Staff involved in cleaning contaminated surfaces shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces.
- B. Spills of vomit, urine, and feces on a surface including the floors, walls, bathrooms, tabletops, toys, and diaper-changing tables shall be immediately cleaned with soap and water and then disinfected.
- C. Non-porous gloves shall be used for spills of blood or blood-containing body fluids and injury and tissue discharges on a surface, which shall be immediately cleaned with soap and water and then disinfected. Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie.

47. Diapering

- A. A licensee shall have and follow an established procedure for checking diapers for wetness and feces at least hourly, visually inspecting at least every two hours, and whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. Diapers and other clothing shall be changed when they are found to be wet or soiled. Diaper changes shall be documented for infants. Soiled or wet clothing shall be changed and placed in a sealed plastic container or bag labeled with the child's name and returned to the child's parent/guardian at the end of the day.
 - i. The licensee shall ensure that a supply of clean diapers and extra clothing are available for each child either by providing them directly or requiring the parent/guardian to provide.
 - ii. The licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and are placed in a sealed plastic container or bag separate from a child's wet or soiled clothing, labeled with the child's name, and returned to the child's parent/guardian at the end of the day.
- B. A licensee shall ensure that a center has a diaper-changing area with a clean, washable, and non-absorbent surface that shall not be located in the kitchen area. Disposable covers for the diaper-changing area shall be used for each diaper change. There shall be a separate hand-washing sink with running warm water within five feet of the changing area that is cleaned with soap and water and disinfected before food preparation.
- C. A licensee shall ensure that used disposable diapers are placed in a foot-activated container that is used exclusively for diapers, lined with a leak-proof or impervious liner, within arm's reach of the changing area, inaccessible to children, and sanitized daily. Diapers shall be removed from the center daily or more frequently if needed to prevent accumulation of odors, and placed in a closed container that is outside the building and used for trash collection.
- D. A licensee shall have and follow an established procedure for changing diapers that is posted in the diaper changing area and includes at least the following items:
 - i. The licensee shall ensure that staff members use a diaper-changing area and dispose of disposable diapers and disposable covers in accordance with these regulations;
 - ii. The licensee shall ensure that staff members wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth and wash their hands and the hands of the child with soap and water immediately after each diaper change; and
 - iii. The diaper changing area shall be cleaned with soap and water and then sanitized with a disinfectant solution after each use in accordance with these regulations and the manufacturer's instructions.

48. Food Service and Preparation

- A. On request by the OCCL, a licensee shall contact the Division of Public Health before opening a center to determine whether the center requires a Food Establishment permit.

- B. A licensee of a center that conducts a food operation which does not require a Food Establishment permit shall not change that type of food operation to one which requires a Food Establishment permit, except as approved by the Division of Public Health.
- C. A licensee shall ensure that a kitchen or food preparation area is provided with the necessary operable equipment to prepare, store, serve, and clean-up all meals and snacks for children and staff. A center that does not prepare food on-site is exempt from Subsection 48.C. There can be no food preparation in the facility and all utensils and dishware must be single-service and discarded after each use. The minimum kitchen requirements for all centers that prepare meals or snacks are:

Prepare and Serve Snacks Only	Prepare and Serve Meals
<ul style="list-style-type: none"> • Refrigerator; 	<ul style="list-style-type: none"> • Full-size refrigerator;
<ul style="list-style-type: none"> • Three-compartment sink; - or - two-compartment sink and sanitizing basin; - or - two-compartment sink and dishwasher; and 	<ul style="list-style-type: none"> • Three-compartment sink; - or - two-compartment sink and sanitizing basin; - or - two-compartment sink and dishwasher;
<ul style="list-style-type: none"> • Separate hand-washing sink. 	<ul style="list-style-type: none"> • Separate hand-washing sink;
	<ul style="list-style-type: none"> • Range or cooktop;
	<ul style="list-style-type: none"> • Oven or microwave; and
	<ul style="list-style-type: none"> • Food storage areas.

- D. A licensee shall ensure that floors, walls, and counter surfaces that food comes in contact with are easily cleanable and waterproof.
- E. A licensee shall ensure that a center has refrigeration with sufficient capacity to keep perishable food, including lunches prepared at home, cold to 40° F or colder, and food stored in a freezer frozen at 0° F or colder. A working thermometer shall be in all refrigerators, freezers, and freezer compartments. Freezer compartments in mini-refrigerators that are not used are excluded from this regulation.
- F. A licensee shall ensure that all food provided and prepared by the center and then served to children by a center complies with the center's written policy on nutritional quality, is clean, wholesome, free from spoilage and contamination, correctly labeled with contents and date of preparation, and safe for human consumption. Storage areas for food shall be cleanable and free of food particles, dust, and dirt. All food items shall be stored off the floor, separate from cleaning materials, and in closed or sealed containers that are labeled with contents and expiration date.
- G. A licensee shall ensure that the kitchen or food preparation area is constructed and supervised to prevent access by children unless staff is conducting a specific supervised educational activity within the kitchen or food preparation area.

49. Emergency Planning

- A. A licensee shall have and follow a written emergency plan describing procedures for both natural and man-made disasters. The emergency plan shall include procedures for training staff for both natural and man-made disasters in at least the following areas:

Emergency Plan Requirements:
A. Disaster preparedness;
B. Staff's specific responsibilities during a disaster;
C. Accounting for children and staff;
D. Relocation process (if appropriate);
E. Communication and reunification with families;
F. Accommodations of infants, toddlers, and children with disabilities or chronic medical conditions;
G. Continuation of child care services in the period following the emergency disaster;
H. Contacting appropriate emergency response agencies and the parents/guardians; and
I. Lock down procedures.

- B. Monthly evacuation drills shall be practiced from all exit locations at varied times of the day and during varied activities including nap time. Evacuation routes and a written evacuation plan of the center shall be posted in each room that the children use. Each drill shall be documented and include:

Drill Requirements:

- **The date and time of day of the drill;**
 - **Number of children and staff members who participated;**
 - **Exits used; and**
 - **Total amount of time necessary to evacuate the center.**
-

- C. A licensee shall develop and follow a written plan describing procedures to shelter-in-place (stay indoors) at the child care center for up to 24 hours due to a natural or man-made disaster that includes a list of emergency supplies including having a sufficient quantity of non-perishable foods, bottled water, and equipment necessary to serve or prepare foods at the center without the use of electricity and have and follow procedures for feeding children and staff during the extended stay at the center.

50. Firearms

A licensee shall ensure that firearms or ammunition not be within the center's premises at any time. This regulation shall not apply to law enforcement officers in the performance of their official duties.

51. Pets

A licensee shall ensure that a pet kept by or located in the center is cared for in a safe and sanitary manner and that proof of vaccination as prescribed by State law is maintained on site (currently this includes rabies vaccinations for dogs and cats). Poisonous or aggressive animals or animals that are known to be carriers of illnesses such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds or birds of the parrot family, or are sick with a disease that can be spread to humans may not be kept or brought into the center.

52. Telephones

- A. A licensee shall ensure that a center has a working, publicly-listed telephone with an operating voice mail feature that allows a caller to leave a voice mail message. Changes to the phone number shall be provided to the parent/guardian, staff, and the OCCL within one business day.
- B. A licensee shall post emergency telephone numbers by telephones accessible to staff for ambulance or emergency medical services, police, fire departments (911), Poison Control Center, and 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).

53. Transportation

- A. A licensee of a center that provides transportation for children shall ensure that the operator when employed by the center and the vehicle when owned or leased by the center and used to transport children, are in compliance with all applicable federal, State, and local laws and that children are transported in compliance with all applicable laws including State and federal child restraint laws. The operator of a vehicle transporting children for a center shall be at least 21 years of age, have a valid driver's license that authorizes the driver to operate the vehicle being driven, and a background check confirming suitability to be alone with children for routine transportation. The operator of the vehicle does not need to be qualified by Delaware First. The driver shall not transport more people, including children and adults, than the capacity of the vehicle. Use of a 12-15-passenger van to transport children is prohibited unless purchased or leased by the facility before July 1, 1998. Official proof of purchase or lease is required.
- B. A licensee shall develop, follow, and inform the parent/guardian of the center's written transportation policy that complies with current federal, State, and local laws regarding

transportation of children and ensures that each child is secured at all times in an individual safety restraint system that is properly installed and appropriate to the age, weight, and height of the child while the vehicle, other than a school bus, is in motion. This policy shall have procedures that are followed to ensure that children are released only to people authorized by the parent/guardian and never left unattended in a vehicle used by the center. If a school bus is used for transportation, a child preschool-age or younger shall be transported only when the bus is properly equipped with child safety restraints. An exception may be made when written permission is received from the parent/guardian stating that he/she has been informed that the National Highway Traffic Safety Administration recommends that children in this age group always be transported in school buses properly equipped with child safety restraints and that he/she gives permission allowing the child to be transported on a school bus unrestrained.

- C. A licensee shall ensure that a vehicle used to transport children shall:

Vehicles Used to Transport Children Shall Have:
• Have and use an operable heater capable of maintaining a temperature of at least 50° F in the vehicle;
• Have and use air-conditioning to reduce the interior temperature of the vehicle when it exceeds 85° F (school buses are exempt);
• Have a working telephone;
• Have a traveling first aid kit;
• Load and unload children at the curbside of the vehicle or in a protected parking area or driveway;
• Have locked doors, except for emergency doors which are required to remain unlocked, whenever the vehicle is in motion; and
• Have a dry chemical fire extinguisher approved by Underwriter’s Laboratory.

- D. A licensee shall obtain written permission from the parent/guardian for all transportation provided by the center. A licensee shall document arrangements with the parent/guardian and the child’s school regarding transportation provided by the licensee to and from the child’s school. A licensee shall inform the parent/guardian of the identity of each vehicle’s operator or transportation company and require the parent/guardian to specify a special need or problem of the child which might require special attention during transportation.

54. Field Trips and Program Outings

- A. A licensee shall have and follow a plan for field trips or routine program outings that includes procedure(s) documenting that all children are accounted for at all times and documenting the transportation of children in the event of an emergency. Medical consent forms and emergency contact information for all children, a traveling first aid kit as described in these regulations, and a working telephone shall accompany staff and children on any trip or outing. Children shall have tags or other means of providing the center’s name and telephone number.
- B. A licensee shall ensure that during field trips or routine program outings, the staff/child ratio is maintained in accordance with Subsection 54.C.
- i. For a routine program outing where children are always contained in a buggy/stroller, classroom ratios shall be maintained in accordance with Section 30.
 - ii. Volunteers shall count toward the staff/child ratio for field trip or routine program outing purposes only if not accompanied by other children of any age who are not enrolled at the center.
- C. **Staff/Child ratio for field trips and routine programs outings:**
 A licensee shall ensure that during field trips or routine program outings that do not require the use of vehicles and are in close proximity, a licensee maintains the following staff/child ratios with a minimum of two staff members present at all times except when the children are school-age:

	Age of Child	Minimum Staff/Child Ratio
Infant	Under 12 months	1:2
Young toddler	12 through 23 months	1:4
Older toddler	24 through 35 months	1:6
Young preschool child	36 through 47 months	1:8
Older preschool child	48 months or older and not yet attending kindergarten or higher	1:10
School-age child	Attending kindergarten or higher	1:15

- D. A licensee shall ensure that staff or volunteering parents/guardians follow the transportation regulations when transporting children on field trips.

55. Health Care Consultation

Except in instances when the licensee employs a registered nurse licensed in Delaware to provide health services, a licensee shall have specific arrangements with a health care provider who will agree to provide consultation on both routine and emergency health care for children.

56. Child Health and Well-Being

A licensee shall have and follow a written plan for the routine and emergency health care of children including procedures to be followed in case of illness and plans for accessing emergency services including method of transportation, notification of the parent/guardian, and illness exclusions including reportable communicable diseases.

57. Child Health Appraisal

- A. A licensee shall ensure that within one month following admission, the licensee has on file an age-appropriate health appraisal including a record of administered immunizations conducted within the last 12 months before admission for each child in attendance unless required by law to be admitted without a health appraisal such as specified in the McKinney-Vento Homeless Assistance Act or applicable federal, State, and local laws and regulations. Health appraisals and immunization records shall be certified by a health care provider and updated within 13 months or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:
- i. A health history and physical examination including growth and development and documentation of the results of recommended or required screening/testing such as for blood-lead or tuberculosis; and
 - ii. Recommendations regarding required medication, restrictions, or modifications of the child's activities, diet, or care and medical information pertinent to treatment in case of emergency.
- B. A licensee shall ensure that for children in grades kindergarten or higher, a copy of the school-age health appraisal must be on file at the center within 30 days of the child's enrollment or participation in the center as a school-age child. A school-age health appraisal does not need to be updated yearly.
- C. A licensee shall ensure that a child whose parent/guardian objects to immunizations on a religious basis or whose health care provider certifies that the immunization may be detrimental to the child's health will be exempt from the immunization requirement, provided the parent/guardian submits to the early childhood or school-age administrator a notarized statement explaining the exemption is in compliance with State law.

58. Observation

A licensee shall ensure that each child is observed on arrival by a staff member trained in recognizing common signs of communicable disease, physical injury, other evidence of ill health as listed in Section 59, and signs of child abuse or neglect. Specific concerns and observations as well as the steps taken to assist the child shall be documented in written form and maintained

in the child's file. A person who suspects child abuse or neglect shall make a report to the Child Abuse Report Line.

59. Health Exclusion

- A. A licensee shall not permit a child who has symptoms of illness specified below to be admitted to the center or remain at the center unless written documentation from a health care provider, or verbal with written follow-up, states the child has been diagnosed and the illness or symptoms pose no serious health risk to the child or to other children. The symptoms of illness for exclusion shall include, but not be limited to, the following:

Symptoms of Illness for Exclusion Includes:
<ul style="list-style-type: none"> • Temperature: infants four months old and younger: equivalent to 100° F or greater even if there has not been a change in behavior;
<ul style="list-style-type: none"> • Temperature: children older than four months: equivalent to 101° F or greater, accompanied by behavior changes or other signs or symptoms of illness until medical evaluation indicates inclusion in the facility;
<ul style="list-style-type: none"> • Symptoms and signs of possible severe illness (such as unusual lethargy, uncontrolled coughing, inexplicable irritability, persistent crying, difficult breathing, wheezing, or other unusual signs) until medical evaluation allows inclusion;
<ul style="list-style-type: none"> • Uncontrolled diarrhea; that is, increased number of stools, increased stool water, and/or decreased form that is not contained by the diaper until diarrhea stops; if diarrhea is accompanied by fever, exclude for 48 hours following resolution of symptoms;
<ul style="list-style-type: none"> • Blood in stools not explainable by dietary change, medication, or hard stools;
<ul style="list-style-type: none"> • Vomiting illness of two or more episodes of vomiting in the previous 24 hours or one occurrence if accompanied by a fever until 48 hours following resolution of the symptoms or until a health care provider determines the cause of the vomiting is not contagious and the child is not in danger of dehydration;
<ul style="list-style-type: none"> • Persistent abdominal pain (continues more than two hours) or intermittent pain associated with fever or other signs or symptoms;
<ul style="list-style-type: none"> • Mouth sores with drooling, unless a health care provider determines the condition is noninfectious;
<ul style="list-style-type: none"> • Rash with fever or behavior change, until a health care provider determines these symptoms do not indicate a communicable disease;
<ul style="list-style-type: none"> • Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until 24 hours after antibiotic treatment has been initiated;
<ul style="list-style-type: none"> • Scabies, until 24 hours after treatment has been initiated;
<ul style="list-style-type: none"> • Pediculosis or head lice, until 24 hours after treatment has been initiated;
<ul style="list-style-type: none"> • Tuberculosis, until a health care provider states the child is on appropriate therapy and can attend care;
<ul style="list-style-type: none"> • Impetigo, until 24 hours after antibiotic treatment has been initiated and lesions are dry;
<ul style="list-style-type: none"> • Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;
<ul style="list-style-type: none"> • Varicella-Zoster or chicken pox, until all lesions have dried and crusted (usually six days);
<ul style="list-style-type: none"> • Shingles, only if lesions cannot be covered by clothing or a dressing; if not, exclude until lesions have crusted and are dry;
<ul style="list-style-type: none"> • Pertussis, until five days of antibiotic treatment;
<ul style="list-style-type: none"> • Mumps, until five days after onset of glandular swelling;
<ul style="list-style-type: none"> • Hepatitis A virus, until one week after onset of illness, jaundice, or as directed by the Delaware Division of Public Health when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;
<ul style="list-style-type: none"> • Measles, until four days after appearance of rash;
<ul style="list-style-type: none"> • Rubella, until seven days after appearance of rash;

Symptoms of Illness for Exclusion Includes:
<ul style="list-style-type: none"> • Herpetic gingivostomatitis or cold sores, if the child is too young to have control of oral secretions; or
<ul style="list-style-type: none"> • Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater care than can be provided without comprising the health and safety of other children.

- B. Temperatures for children under four years of age shall be taken using a non-glass thermometer by the axillary method or under the arm or by the temporal scanner thermometer or forehead scan. Oral temperatures may be taken on three- and four-year old children when a digital thermometer is used. Rectal and ear temperatures may be taken only by a licensed health care professional.
- C. A licensee shall ensure that if a child who has already been admitted to a center manifests illnesses or symptoms specified in these regulations, the licensee will remove the child from the group of well children to a separate area as described in Section 39.
- D. A licensee may permit a child to return to the center when the symptoms are no longer present, written documentation from the child's health care provider indicates the child has been diagnosed and the illness or symptoms poses no serious health risk to the child or to other children or the child does not present symptoms for exclusion as contained in the center's written health exclusion policy.
- E. A licensee shall report reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable diseases, the licensee shall contact the Division of Public Health or refer to the website currently listed as <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.
- F. A licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health, to be admitted to or remain at the center, unless written documentation from the child's health care provider states the child has been evaluated and the disease presents no risk to the child or to others or the licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others. If there is conflict in the opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the licensee shall follow the instructions of the Division of Public Health.
- G. A licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the center in accordance with Division of Public Health procedures.

60. Administration of Medication

- A. A licensee shall ensure that only trained staff members who are at least 18 years of age and authorized in accordance with State law, or health care providers, nurses, or other qualified medical health personnel administer medication to children in a center. Written permission from the child's parent/guardian for each medication to be administered is required. Unused medication shall be returned to the parent/guardian when no longer needed by the child.
- B. A licensee shall ensure that the parent/guardian of a child provides the following information for each medication given:

Required Information for Administration of Medication:
• The name and birth date of the child;
• Medication allergies;
• Doctor's name and phone number;
• Pharmacy name and phone number;
• Name of medication;
• Dosage (amount given);
• Time or frequency (when given);
• Route of administration (oral; eye, nose, or throat drops; topical);
• Medication expiration date;
• End date;
• Reason for medication; and
• Special directions.

- C. A licensee shall ensure that all prescription medication is given as prescribed:

Prescription Medication Requirements:

- **Stored securely and inaccessible to children;**
- **Refrigerated (if applicable) in a closed container separate from food;**
- **In its original container and properly labeled with directions for its administration;**
- **Current and not expired;**
- **Authorized by the child's health care provider; and**
- **Given only to the child whose name appears on the prescription in the manner and dosage specified in the instructions on the container.**

- D. A licensee shall ensure that all non-prescription medication is given as instructed:

Non-Prescription Medication Requirements:

- **Stored securely and inaccessible to children;**
- **Refrigerated (if applicable) in a closed container separate from food;**
- **In its original container, properly labeled with directions for its administration;**
- **Current and has not expired;**
- **Labeled with the child's name; and**
- **Given as specified in the instructions on the container unless otherwise specified in writing by the child's health care provider.**

- E. A licensee shall keep a written record of medication administered to children recorded on the Medication Administration Record or MAR including medication dosage, time administered, by whom administered, adverse effects observed, and medication errors (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route). Adverse effects or errors in administering shall be immediately reported to the parent/guardian. When known to the center, adverse effects or errors in administering medication that result in medical treatment shall be reported within one business day to the OCCL, followed by a written report within three business days. Documentation of the error or adverse effects shall be maintained in the child's file.
- F. Documentation of administration of medication shall be placed in the child's file or in a central administration of medication log and kept while the child is enrolled in the center.

61. Child Accident and Injury

- A. A licensee shall ensure that when an accident or injury occurs to a child during the hours of care, a center's staff member takes emergency action to protect the child from further harm, calls emergency medical services if needed, and notifies the child's parent/guardian.
- i. For a serious or potentially serious injury, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child. A less serious accident or injury requires parent/guardian notification before releasing the child from care that day.
 - ii. The licensee shall maintain a written injury report in the child's file or a central log for the center for each incident that includes the name of child, date of injury, description of injury, how it occurred, first aid or medical care provided, and parent/guardian/authorized release person signature.
 - iii. The licensee shall maintain a written record for serious injuries of when the parent/guardian was notified or of attempts to notify the parent/guardian.
- B. In the event of a significant child medical event, such as a seizure, asthma attack, or severe allergic reaction, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child, including contacting emergency medical services as needed.
- C. When known, the licensee shall report to the OCCL an accident or injury that results in death or medical/dental treatment other than first aid provided at the center of a child as described in Section 13.

62. First Aid Kits

A licensee shall have at least one complete first aid kit in a location readily accessible to staff but not to children. A first aid kit shall be taken on field trips/program outings. Contents of the first aid kit shall include but not be limited to:

Items Required in Center First Aid Kits:	Items Required in First Aid Kits Used on Field Trips/Program Outings:
<ul style="list-style-type: none"> • Disposable nonporous gloves • Scissors • Tweezers • A non-glass thermometer to measure a child's temperature • Bandage tape • Sterile gauze pads • Flexible roller gauze • Triangular bandage or sling • Safety pins • Eye patch or dressing • Pen/pencil and note pad • Instant cold pack • Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide • Small plastic, metal, or wooden finger splints • Non-medicated adhesive strip bandages • Plastic bags for cloths, gauze, and other materials used in handling blood 	<ul style="list-style-type: none"> • Disposable nonporous gloves • Scissors • Tweezers • A non-glass thermometer to measure a child's temperature • Bandage tape • Sterile gauze pads • Flexible roller gauze • Triangular bandage or sling • Safety pins • Eye patch or dressing • Pen/pencil and note pad • Instant cold pack • Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide • Small plastic, metal, or wooden finger splints • Non-medicated adhesive strip bandages • Plastic bags for cloths, gauze, and other materials used in handling blood • Bottled water • Liquid soap • Emergency medications needed • List of emergency phone numbers Parents'/Guardians' home and work phone numbers, and the Poison Control Center phone number

63. Food, Water, and Nutrition

- A. A licensee shall ensure that drinking water is always available to children in their classrooms and outdoors and supplied to them on their request or available for self-service as appropriate.
- B. A licensee shall have and follow a policy to address the needs of a child who is breastfed, including allowing a mother to breastfeed her child at a designated place in the center that is clean, removed from public view, and not located in a bathroom or kitchen.
- C. A licensee shall ensure that appropriately-timed meals and snacks are served in accordance with the following schedule based on the number of hours the child is present at the center:

Number of Hours	Meals/Snacks Required
2 hours - 4 hours	1 snack
4 hours - 6 hours	1 meal and 1 snack
7 hours – 11 hours	2 meals and 1 snack or 2 snacks and 1 meal based on time of child's arrival
12 hours or more	3 meals and 2 snacks

- D. A licensee shall ensure that meals and snacks are provided by a center except when one of the following circumstances occurs:
- i. A written statement has been signed by a parent/guardian and kept on file indicating that the parent/guardian has chosen to provide food for the child;
 - ii. The licensee makes it known to the parent/guardian at the time of application for enrollment that meals or snacks are to be provided by the parent/guardian and informs the parent/guardian of the importance of sending meals or snacks that meet the nutritional needs of children; or
 - iii. The center has a field trip or a specific activity requiring special meal arrangements.
- E. A licensee shall encourage modeling of healthy eating practices by adults when eating with children.
- F. A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage, and clean-up, and adheres to the center's policy on food service. Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the center's program or supervision of children while performing food service activities.
- G. A licensee shall have and follow a written policy concerning food service that is provided to a parent/guardian at enrollment and when updated that includes:
- i. An assurance that children are encouraged but not forced to eat;
 - ii. Approximate times of snacks and meals;
 - iii. Procedures to address food allergies (for foods provided by the center or parents/guardians);
 - iv. A description of which food services will be provided by the licensee or by a parent/guardian;
 1. For meals or snacks provided by the center:
 - a. Procedures to address religious dietary requirements and other dietary requests or restrictions; and
 - b. The licensee's policy on whether additional servings of foods that meet the meal pattern requirements will be served to a child who is still hungry.
 2. For meals and snacks provided by a parent/guardian:
 - a. Statements that meals or snacks shall be for the individual child and may not be shared;
 - b. Statements that foods intended for regular consumption or celebratory occasions must be clean and safe and comply with the center's written policy concerning the content of foods provided by a parent/guardian;
 - c. Written procedures to be followed to prevent spoilage of foods brought from home; and
 - d. Statements and procedures that the center will follow to provide a meal or snack to a child who has not brought one or both.
- H. A licensee shall ensure that meals and snacks provided by the center:
- i. Are in accordance with the meal pattern requirements (see Appendix) which are adjusted according to the age of the infant and child;
 - ii. Shall consist of foods based on the basic food groups as follows:

1. Milk: fluid pasteurized non-fat (skim) or low-fat 1% or 2% cow's milk for children over two years of age. Infants shall be fed formula or breast milk. Children one to two years of age shall be fed whole fluid pasteurized cow's milk when not on formula or breast milk;
 2. Proteins or meat alternate: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;
 3. Fruits and vegetables: include a variety of fresh, frozen, and canned vegetables and fruits without added sugar; and
 4. Grains or breads: whole grain and enriched products such as breads, cereals, pastas, crackers, and rice.
- iii. May include juice, if 100% unsweetened juice and not a juice drink or cocktail, is served;
 - iv. May include powdered milk, if used only in cooking and not used as a substitute for fluid milk for drinking purposes;
 - v. Are planned in advanced on a menu, dated, and posted in a prominent place.
 1. Menus noting actual food served shall be retained by the center for 30 days. Changes made in actual food served on a particular date shall be documented on the menu on or before that date.
 2. A sample two-week menu of meals or snacks shall be submitted with their renewal application.
- I. A licensee shall ensure that special, therapeutic diets are prepared and served by center staff only upon written instructions by a health care provider. If a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a child's medical need such as food allergies or food intolerance, the parent/guardian shall provide the center with written documentation from the child's health care provider permitting the modification.
- J. A licensee shall ensure that if a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a family's food preferences or religious beliefs, the parent/guardian shall provide the center with written documentation specifying which foods are unacceptable and the food substitutions allowed.
- K. Meal Components for Toddlers and Older Children:
- i. A licensee shall ensure that a breakfast provided and served by a center has at least one age-appropriate serving-size item each from the milk, fruit and vegetable, and grain or bread food groups as described in the appendix.
 - ii. A licensee shall ensure that a lunch or dinner provided and served by a center has one age-appropriate serving-size item from each of the milk, meat or meat alternate, grain or bread food groups, and two items from the fruit and vegetable food group as described in the appendix.
 - iii. A licensee shall ensure that a snack provided and served by a center has at least one age-appropriate serving-size item from two of the food groups as described in the appendix. If milk or 100% juice is not included with a snack provided and served by the center, water shall also be served with that snack.
- L. For foods prepared and served by the center, a licensee shall provide for the introduction of a variety of food textures, finger foods, and a cup and utensils as appropriate in the training of self-feeding and nutrition education.
- M. A licensee shall ensure that each individual child has his or her own utensils such as a fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child, to eat with or be fed with. This equipment shall not be shared with another child during feeding. All single-service dinnerware or utensils provided by the center for meals or snacks shall be discarded immediately after use.

64. Feeding of Infants

- A. A licensee shall ensure that foods and beverages provided to an infant are served on demand or during a span of time consistent with the infant's eating habits according to the following guidelines:
- i. A written statement specifying foods and beverages including specific formula or breast milk and a feeding schedule shall be obtained from the parent/guardian for each infant at least on a monthly basis. Staff shall be trained on the proper handling, storage, preparation, and feeding of breast milk and formula if applicable to their program; mixing formula with cereal, juice, or other food or beverage other than water in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;
 - ii. A daily written record of each infant's nutritional intake shall be documented and provided to the parent/guardian daily. Feeding problems experienced by an infant shall be discussed with his/her parent/guardian before the infant's daily departure from the center; and
 - iii. An infant shall be held for bottle-feeding when too young to use a feeding chair or other age-appropriate seating apparatus. If an infant is able to hold a bottle and has established independence or a desire not to be held while fed, the infant shall be placed in a high chair or at a feeding table.
- B. A licensee shall practice paced bottle-feeding or allowing the infant to take breaks at feedings. Infants shall be observed for signs of fullness and shall be allowed to stop a feeding when full unless written documentation from an infant's health care provider requires the feeding to continue.
- C. A licensee shall not feed formula to an infant exclusively receiving breast milk, without parent/guardian permission.
- i. A staff member shall not hold more than one infant at a time for bottle feeding;
 - ii. At no time shall an infant be placed in a crib or sleeping, resting, or relaxing equipment with a bottle for feeding nor may a bottle be propped for feeding an infant;
 - iii. Bottles and infant foods shall be warmed for no more than five minutes under running warm tap water or by placing them in a container of water that is no warmer than 120° F and shall not be warmed or thawed in a microwave oven. Bottles of breast milk shall be gently swirled to mix contents;
 - iv. For infants four to seven months of age, semi-solid foods may be introduced as requested by the parent/guardian and shall be required once an infant is eight months of age unless written documentation from an infant's health care provider permitting a modification is supplied;
 - v. Foods for infants shall be a texture and consistency that promotes safe and optimal consumption and served from a dish unless the entire contents of the jar will be served. Introduction to all new foods and beverages shall be made only with the parent's/guardian's permission;
 - vi. Cow's milk shall not be served to infants;
 - vii. Bottles and nipples maintained by center staff shall be washed and sanitized before each use;
 - viii. Each infant's bottle shall be individually labeled with the infant's name and refrigerated immediately after preparation by center staff or on arrival if prepared by a parent/guardian;
 - ix. Unused bottles shall also be dated as to when prepared if not returned to the parent/guardian at the end of each day;
 - x. Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one hour from beginning of feeding;
 - xi. Formula provided by parents/guardians or by the center shall come in a factory-sealed container;
 - xii. Refrigerated, unused, prepared formula shall be discarded after 48 hours;
 - xiii. Breast milk shall be fed only to that mother's own infant. Frozen breast milk shall be thawed under running cold water or in the refrigerator, gently swirled to mix contents, not shaken, and used within 24 hours. Expressed breast milk shall be discarded if it

is in an unsanitary bottle or has been unrefrigerated for more than one hour. Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after 48 hours or by three months if frozen and stored in a freezer at 0° F;

- xiv. Juices may not be fed to infants until they are able to drink from a cup unless by written parent/guardian request; and
- xv. Center staff shall encourage the use of a cup when a child is at least one year of age and is developmentally capable of drinking from or holding a cup.

PART IV EARLY CARE AND EDUCATION

65. Positive Behavior Management

- A. A licensee shall have and follow a written statement in plain language regarding the positive behavior management of children. The statement on positive behavior management shall be posted in a prominent place in the center and provided to a parent/guardian and staff.
- B. A licensee shall ensure that all staff use prevention strategies, appropriate redirection rather than restraint, and positive developmentally-appropriate methods of behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility, and cooperation. Staff may not handle children roughly nor encourage or otherwise condone children hitting or disciplining each other. The center shall consult with professionals and with the parent/guardian to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need, including a behavioral or emotional disability.
- C. A licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to children, other staff members, parents/guardians, and visitors while at the center.
- D. "Time-out", if used, shall be appropriate for the developmental age of the child, employed as a supplement to, not a substitute for, other developmentally-appropriate, positive methods of behavior management, and not used with infants. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age. Before using "time-out", the staff member shall discuss the reason for the "time-out" in language appropriate to the child's level of development and understanding. A child removed from the group or room during a "time-out" shall remain under direct visual supervision at all times and shall never be left unattended behind closed doors. Before rejoining the group or at another appropriate time, staff shall talk to the child about alternatives to the inappropriate behavior in a way that encourages the child to make more positive decisions in the future.
- E. A licensee shall ensure that the following actions are prohibited:

Prohibited Acts:
• Corporal punishment inflicted on a child's body including shaking, hair pulling, biting, pinching, slapping, hitting, kicking, or spanking;
• Yelling, humiliating, or frightening children;
• Physically or sexually abusing a child by staff;
• Making disparaging comments about a child's appearance, ability, ethnicity, family or other personal characteristics;
• Depriving children of food or toilet use as a consequence of inappropriate behavior;
• Tying, taping, chaining, caging, or physically or mechanically-restraining a child;
▪ Punishing children for not going to sleep, a toileting accident, failure to eat all or part of food, or failure to complete a prescribed activity; or
▪ Withholding physical activity as punishment.

66. Program Goals and Planning

- A. A licensee shall ensure that the program provides physical care routines (such as diapering/toileting and hand-washing) appropriate to each child's developmental needs.
- B. A licensee shall develop written goals of what the center plans to accomplish for enrolled children's development and education.

GOALS SHALL INCLUDE AREAS OF:

- **Physical**
- **Social-emotional**
- **Language/literacy**
- **Cognitive development**

...and shall be appropriate to the ages and developmental levels of the children in attendance at the center.

- The curriculum goals and program of daily activities for each group of children shall be implemented by an assigned staff member in the position of early childhood teacher, school-age site coordinator, early childhood assistant teacher, school-age site assistant, or early childhood caregiver with approval and monitoring by either the early childhood administrator, school-age administrator, early childhood curriculum coordinator, or school-age site coordinator when assigned this duty.
- C. A licensee shall have and follow a written lesson plan of varied, developmentally-appropriate activities designed to help all children preschool-age and younger reach the goals described in Subsection 66.B.
- i. The lesson plan shall be current and posted for easy reference by parents/guardians and staff.
 - ii. The lesson plan shall include at least one daily activity for each goal specified in Subsection 66.B. Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be included.
 - iii. The plan shall reflect that the children have the choice to participate in at least four activities each day. The total time allotted for these activities shall be at least 1/3 of the time the child is in attendance for a particular day.
 - iv. Adaptations and accommodations of activities, adult-child interactions, teaching strategies, and materials or equipment shall be made as needed for children, including those with disabilities to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans.
 - v. Lesson plans shall be based on best practices and accepted research in the field of early care and education and in alignment with principles and foundations of learning and development such as the *Delaware Early Learning Foundations: Preschool*, *Delaware Early Learning Foundations: Infant/Toddler* and also as set forth by the Delaware or United States Department of Education.
- D. A licensee shall ensure that activities and materials reflect children's cultures and communities, including both familiar and new materials, pictures, and experiences.
- E. A licensee shall develop and follow a schedule for each group of children that is posted for easy reference by parents/guardians and staff. The schedule shall show blocks of time, including periods for active and quiet play or rest; indoor and outdoor activities; and both free choice and staff-directed activities. This schedule may be flexible based on the needs and interests of the children.
- F. A licensee shall ensure that for toddlers and older children, indoor physical space is organized into identifiable activity areas where an identifiable space with related equipment and materials are kept in an orderly fashion and are accessible to children with daily opportunities documented on the lesson plan for children to learn in the following areas:

Required Activity Areas:

- **Language and literacy, such as books and writing materials;**
 - **Dramatic play, such as play materials, furniture, dress-up, and props;**
 - **Construction/Blocks, such as unit blocks and accessories;**
 - **Creative arts, such as drawing materials, clay or play dough; and**
 - **Manipulative/Mathematics/Problem solving, such as puzzles, small construction toys, or objects to sort.**
-

- G. A licensee shall ensure that for toddlers and older children there are at least weekly opportunities documented on the lesson plan for children to learn in the following areas:

Required Weekly Activities:

-
- **Cooking or food exploration/Healthy habits, such as talking about healthy habits or comparing the taste/texture of different foods;**

 - **Science and nature investigation, such as talking about the weather, observing insects/birds, having a leaf collection, blowing bubbles, or having a pet;**

 - **Music and rhythm, such as singing, simple instruments, or music toys; and**

 - **Multi-sensory play, such as sand or water play with containers, spoons, scoops, trucks or toy people.**

- H. A licensee shall ensure that each child one year and older, according to his or her ability, is provided the opportunity for a minimum of 20 minutes of moderate to vigorous physical activity indoors or outdoors, for every 3 hours the child is in attendance between the hours of 7 a.m. to 7 p.m. This active play opportunity may occur in one or more blocks of time daily. Structured physical activities shall be adapted to allow inclusion of children of all abilities.
- I. Weather permitting, infants, toddlers, and older children shall be provided with daily outdoor play. For infants, this may include riding in a stroller or carriage, but must also include opportunities for gross motor development (such as unrestricted play on a surface that is safe and free of hazards, such as on a blanket, indoors or outdoors).
- J. A licensee shall ensure that screen time activities such as television, digital video display or DVD, gaming devices, tablet and phone viewing, computer, and video cassette viewing be supervised by a staff member and limited to programs, games, and websites that are age-appropriate and educational. Children shall be protected from exposure to inappropriate websites. Screen time activities are prohibited for children younger than two years of age and require written permission from the parent/guardian of all other children. Screen time shall not exceed one hour daily per child or group of children but may be extended for specific special events or occasions.

67. Documenting Children's Progress

- A. A licensee shall have and follow an organized system for documenting the annual progress of individual children preschool-age and younger in relation to appropriate developmental and educational goals. The information gathered to document a child's progress shall be kept in the child's file and shared with the parent/guardian at an annual conference. With the parent's/guardian's permission, information may also be shared with other professionals when referring the child for special services.
- B. A licensee shall ensure that with the approval of the early childhood administrator or early childhood curriculum coordinator, individual plans are developed for each infant and toddler in care within 45 days of the first day of attendance. The plan shall include both age and individually appropriate goals and describe specific developmentally-appropriate activities and experiences to be provided by staff in support of these goals. Staff shall record these and note developmental milestones, accomplishments, and concerns. Plans shall be reviewed and updated at least three times over a one year period. This information shall be shared with the child's parent/guardian.

68. Infant and Toddler Care

- A. A licensee shall ensure that approved safety gates are provided and used in stairway areas where infants and toddlers are in care. Gates shall have latching devices that adults, but not children, can open easily in an emergency. Pressure or accordion gates shall not be used.
- B. A licensee shall provide low chairs and tables or infant seats with trays for table play and mealtime for children no longer being held for feeding. High chairs or feeding tables with attached seats, if used, shall have a wide base and a T-shaped safety strap that must be used.
- C. A licensee shall provide a rocking chair or other comfortable adult-size seating for at least half of the staff members on duty in the infant area.
- D. A licensee shall ensure that children under three years of age do not have access to plastic bags except for small bags used in supervised activities, Styrofoam objects/cups/bowls/toys, and objects with a diameter of less than one inch.
- E. A licensee shall ensure that walkers with wheels are not used unless prescribed by a health care provider. A copy of the prescription or medical authorization shall be kept in the child's file.

- F. A licensee shall ensure that staff keep written daily records of an infant's feeding, sleeping, diapering, and other routine activities and share these with the infant's parent/guardian at the end of each day.
- G. This daily record shall include documentation that each infant was visually monitored every 30 minutes when placed in the crib, playpen, or pack-and-play to nap/sleep to observe the infant for normal breathing, signs of distress, and to be ready to assist and respond in case of emergency.

69. Interactions with Children

- A. A licensee shall ensure that staff interacts with infants providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

Interactions with Infants
• Offering frequent face to face interaction with infants when they are awake;
• Being held and carried;
• Limiting time spent, while awake, in confining equipment such as a crib, infant seat, swing, high chair, or play pen to less than 30 minutes during which time an age-appropriate activity shall be provided, immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided;
• Providing opportunities for large muscle activities appropriate to the infant's developmental level such as supervised tummy times for short periods of a few minutes, while the infant is awake;
• Providing daily outdoor play opportunities as described in Subsection 66.I;
• Talking with infants during play, feeding and routine care;
• Reading to and looking at books with infants while holding or sitting close to them;
• Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;
• Responding to infants' actions, sounds and beginning language;
• Giving names to objects and experiences in the infants' environment;
• Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling, and standing; and
• Providing materials and encouragement for infants' beginning pretend play alone, with other children, and with staff.

- B. A licensee shall ensure that staff interact with toddlers at their eye level, and whenever appropriate, sit on the floor with the toddlers, providing the following opportunities throughout the day, and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

Interactions with Toddlers
• Offering frequent face to face interactions with the toddlers;
• Having conversations with toddlers during play, feeding, and routine care;
▪ Reading to and looking at books with toddlers individually and in small groups;
• Encouraging children to play with one another with adult help;
• Providing materials and encouragement for pretend play alone and with other children and adults;
• Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
• Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.H;
• Limiting time spent, while awake, in confining equipment such as a crib, seat, swing, high chair, or play pen to less than half an hour immediately after which opportunities for freedom of movement are provided;
▪ Responding to toddlers' words and actions with interest and encouragement;
• Giving names to objects and experiences in the toddlers' environment; and
• Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.

- C. A licensee shall ensure that staff interact with preschool-age children at their eye level, and whenever appropriate, sit on the floor with the children, providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

Interactions with Preschool-Age Children
• Offering frequent face to face interactions with children;
• Having conversations with children during play, meals, and routine care;
• Reading to and looking at books with children individually and in groups;
• Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;
• projects, and investigations of the center’s environment;
• Supporting the development of social competence through play and cooperative work with other children;
• Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
• Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
• Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.H;
• Responding to children’s words and actions with interest and encouragement;
• Giving names to objects and experiences in the children’s environment; and
▪ Supporting children’s development of independence and mastery of skills.

- D. A licensee shall ensure that staff offers activities that meet the widely differing needs and interests of school-age children providing opportunities, materials, and equipment as described in Part VI, Additional Provisions for School-Age Only Centers.

70. Equipment

- A. A licensee shall provide developmentally-appropriate equipment and materials in a quantity sufficient for a variety of indoor and outdoor activities for all children. Materials and equipment shall promote a variety of experiences and choices that support children’s social-emotional, language/literacy, intellectual, and physical development.
- B. A licensee shall ensure that for infants and toddlers less than 18 months of age, developmentally-appropriate supplies or equipment are provided in quantities as described in Subsection 70.A in each of the following categories:

Examples of Developmentally Appropriate Supplies/Equipment for Children Under 18 Months
• Sensory supplies and equipment such as teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;
• Language/dramatic play supplies and equipment such as picture books, toy telephones, CDs, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment;
• Manipulative supplies and equipment such as squeeze and grip toys, boxes, sorting and stacking toys, three or four piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment;
• Building supplies and equipment such as soft lightweight blocks, toy cars, trains or boats, figures of animals and people, stacking rings or cups, nesting toys, or other comparable supplies or equipment;
• Large muscle supplies and equipment such as: low climbers, slides, riding/rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other comparable supplies and equipment; and
• Music supplies and equipment such as rhythm instruments, a CD player and CDs, toys with musical tones, musical mobiles or busy boxes, drums, xylophones or pianos, or other comparable supplies or equipment.

- C. A licensee shall ensure that for children over 18 months of age, developmentally-appropriate supplies or equipment are provided in quantities as described in Subsection 70.A in each of the following categories:

Examples of Developmentally Appropriate Supplies/Equipment for Children Over 18 Months
<ul style="list-style-type: none"> • Language/literacy supplies and equipment such as books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, or classification, poetry, puppets, audio-visual materials, show and tell items, or other comparable supplies or equipment;
<ul style="list-style-type: none"> • Science and math supplies and equipment such as plants and gardening equipment, aquarium with fish or other appropriate live animals, water table with supplies, sand table with supplies, cooking supplies, weather chart or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;
<ul style="list-style-type: none"> • Manipulative supplies and equipment such as puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;
<ul style="list-style-type: none"> • Large muscle equipment such as rocking boat, wheel toys, climbers, slides, balance beam, barrels or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies and equipment;
<ul style="list-style-type: none"> • Building activities such as unit blocks (minimum of four sizes), transportation toys, farm animals, play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;
<ul style="list-style-type: none"> • Art supplies and equipment such as crayons, tempera paint, large brushes and newsprint, finger paint and finger paint paper, construction paper in assorted colors, paste or glue, blunt scissors, collage materials, non-toxic felt tip markers, easels, clay or play dough, or other comparable supplies and equipment;
<ul style="list-style-type: none"> • Music supplies and equipment such as a CD player and CDs, piano or organ, guitar, rhythm sticks, drums, cymbals and bells, or other comparable supplies and equipment; and
<ul style="list-style-type: none"> • Dramatic play supplies and equipment such as toy dishes, ironing board, telephones, occupational props or uniforms, dress-up clothes, housekeeping area (stove, sink, refrigerator), cradle or doll bed, doll carriage, dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment.

- D. A licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small loose pieces and are free from recall.
- E. A licensee shall ensure that furniture is durable and child-sized or adapted to children's use. Tables shall be at waist height of the intended child-user and the child's feet are able to reach a firm surface while the child is seated.
- F. A licensee shall ensure that equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the program.
- G. A licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster awareness of other cultures and communities.
- H. A licensee shall prohibit toys that explode or fire objects.

PART V ADDITIONAL PROVISIONS FOR NIGHT CARE

71. General

- A. Night care may be provided by a center licensed to provide only night care or as a component of a licensed center.
- B. A center licensed to provide only night care shall be exempt from Section 40.

72. Staffing

- A. A licensee shall ensure that staff members are awake at all times and monitor sleeping children.
- B. A licensee shall ensure that a single staff member provides no more than 16 hours of child care within a 24-hour period with at least seven consecutive hours of rest off of the center's premises. No other employment shall be permitted during the hours of rest.

- C. A licensee shall ensure that when children one year and older are sleeping at least half of the required staff are physically present with the children and directly observing the children.
- D. A licensee shall ensure that at least two staff are present and with the children at all times when seven or more children one year and older are present.
 - i. The licensee shall have and follow emergency procedures providing immediate access to emergency services and additional staff when only one staff member is present with children at the center.
 - ii. When only one staff member is present with the children, the staff member shall have no other responsibilities than direct child care during that time.

73. Activities

- A. A licensee shall ensure that a program of activities is provided to children before bedtime.
- B. A licensee shall ensure that each child is given individual attention at bedtime and upon awakening. The licensee shall discuss with the parent/guardian any special preferences or habits of the child regarding bedtime and awakening and share this information with the staff member in charge of the child.

74. Sleeping Arrangements

- A. A licensee shall ensure that sleeping arrangements are structured so that children who are awake are cared for in a separate area from sleeping children and that sleeping children are not disturbed.
- B. A licensee shall ensure that children school-age and older do not share a dressing area with people of the opposite sex.
- C. A licensee shall ensure that each child is provided with sleeping equipment as specified in Section 42.
 - i. For children sleeping four or more hours at the center during the evening or are sleeping overnight, the licensee shall provide, as appropriate to their age, a crib or individual bed with a mattress that is covered with sheets and, for non-infants, a seasonably-appropriate blanket.
 - ii. The licensee shall also provide a pillow with a pillowcase for a child in a bed.
- D. A licensee shall ensure that each child has individual, clean, and comfortable sleeping garments.

75. Bathing and Grooming

- A. A licensee shall follow the parent's/guardian's preference regarding bathing the child and note this preference in the child's record.
 - i. Each child shall be bathed individually and not placed together in a bathtub, shower, or portable bathing equipment.
 - a. Bathing equipment shall be cleaned with soap and water and sanitized before each use and equipped to prevent slipping.
 - b. An infant shall be bathed in age-appropriate bathing equipment.
 - c. No child may be bathed in a sink used for cleaning dishes or utensils.
 - ii. Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.
 - iii. Individual towels and washcloths shall be provided for each child.
- B. A licensee shall ensure that no child is left unsupervised while in a bathtub or shower. A child capable of bathing alone shall be allowed to bathe in private with written permission from the parent/guardian. A staff member shall respect that child's privacy but be immediately available to ensure the child's safety and to offer assistance when requested by the child.
- C. A licensee shall ensure that there is a night light in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.
- D. A licensee shall ensure that combs, toothbrushes, brushes, and other such personal items are marked with the owner's name and stored separately and used only by that child.

PART VI ADDITIONAL PROVISIONS FOR SCHOOL-AGE ONLY CENTERS

76. General

- A. School-age care may be provided by a school-age center that exclusively offers care, education, protection, supervision or guidance for school-age children before or after-school, during school holidays, or summer months.
- B. A school-age center shall follow all regulations contained in this document except for these designated regulations in Part 1, General Provisions from which they are exempt:

School-Age Exemptions:
<ul style="list-style-type: none"> • Subsection 36.N (General Safety Practices – Outlet Covers); • Subsection 63.K and Section 64 (Infant and Toddler Food and Nutrition); • Subsection 66.G (Sensory Play); • Section 67 (Documenting Children’s Progress); • Section 68 (Infant and Toddler Care); • Subsection 69.A (Interactions with Infants); • Subsection 69.B (Interactions with Toddlers); • Subsection 69.C (Interactions with Preschool-Age Children); • Subsections 70.B and 70.C (Equipment); • Section 42 (Sleeping accommodations; unless there are children who nap/sleep at the school-age only center); and • School-age only programs located in a public or private school are exempt from the covered trash can requirement found in Subsection 36.G.

- C. A volunteer who is working as part of an educational degree-granting program and assigned to a school-age only center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the facility.

77. School-Age Staff Positions

A. School-Age Administrator

A licensee shall ensure that a school-age administrator is at least 21 years of age and is fully qualified as an early childhood administrator with at least 15 clock hours of approved training in school-age care or meets the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits ¹	Experience ²
At least a bachelor’s degree or associate degree from a regionally accredited college or university	All areas of study	Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three-hour school-age elective of the learner’s choice	18 months of experience working with children kindergarten through sixth grade in a group setting
<p>¹ Possession of an administrator’s credential issued by the Delaware Department of Education or DOE, its designee, or by another state’s body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator’s credential alone does not qualify an individual as a school-age administrator.</p>			
<p>² Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.</p>			

B. School-Age Site Coordinator.

A licensee shall ensure that a school-age site coordinator is at least 20 years of age and meets the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits ¹	Experience ²
At least a high school diploma or equivalent recognized by the Delaware Department of Education	Any	Successful completion of at least 12 college or university credits in recreation, elementary education, school-age care, or school-age administration	12 months of experience working with children kindergarten through sixth grade in a group setting
¹ Possession of a school-age credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits.			
² Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.			

C. School-Age Site Assistant

A licensee shall ensure that a school-age site assistant is at least 18 years of age and meets one of the following education and experience qualifications:

Education	Area of Study/Major	Regionally Accredited College or University Credits or Quality-Assured Training	Experience ¹
High school diploma or equivalent recognized by Delaware Department of Education	All areas of study	Successful completion of three credits in recreation, elementary education, school-age care, or school-age administration - or - 45 clock hours of quality-assured training related to the needs of the school-age children served	Part-time employment for one school year from September to June providing education/care to children kindergarten through sixth grade in a group setting - or - Full-time employment during the majority of one summer season (June through August) providing education/care to children kindergarten through sixth grade in a group setting
High school diploma or equivalent recognized by Delaware Department of Education	All areas of study	Successful completion of at least 15-clock-hours of quality-assured training in school-age care within 12 months of employment	Part-time employment from September to June for two school years or full-time employment for one school year providing education/care to children kindergarten through sixth grade in a group setting - or - Full-time employment during the majority of two summer seasons (June through August) providing education/care to children kindergarten through sixth grade in a group setting
¹ Supervised experience may be substituted for the required experience and will reduce it by half.			

D. School-Age Intern

A school-age intern must be at least 16 years of age or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a

traditional high school's career pathway program in early childhood with verification of enrollment maintained on file at the center. This individual must be at least four years older than a child in his/her direct care, always be under the direct observation of at least a school-age site assistant, may not be alone with children, and may count in the staff/child ratio. A school-age intern must meet one of the following qualifications:

Education:
<p>Successful completion of at least three college or university credits from a regionally accredited college or university in recreation, elementary education, school-age care, or school-age administration.</p> <p style="text-align: center;">- or -</p> <p>Successful completion of at least 15-clock-hours of quality-assured training in school-age care completed within 12 months of employment.</p> <p style="text-align: center;">- or -</p> <p>Successful completion of the education requirement for a higher level position contained in these regulations.</p>

- i. **While maintaining required ratios and group size, a qualified school-age intern may be alone with children when:**

Times when Interns may be left alone with Children:
• Walking children to or from a bathroom;
• Walking children to or from receiving first aid treatment;
• Walking children to or from a bus stop;
• Walking children from one classroom or area to another within the center; and
• Supervising an ill child while waiting for pick-up by a parent/guardian.

E. School-Age Aide

A school-age aide must be at least 16 years of age or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center. This individual must be at least four years older than a child in his/her direct care, always be under the direct observation of at least a school-age site assistant, may not be alone with children, and will count in the staff/child ratio only during the first 12 months of employment as a school-age aide at a single center.

78. Staffing

- A. A licensee shall ensure that a school-age center has at least one staff member who meets the qualifications for the position of school-age administrator. When a school-age administrator is responsible for more than one center, the school-age administrator is required to make, at a minimum, a continuous 30-minute documented visit per week at each school-age center.
- B. A licensee shall ensure that a school-age center has at least one staff member who meets the qualifications for the position of school-age site coordinator when the school-age administrator is responsible for more than one school-age center.
- C. A licensee shall ensure that a staff member with the qualifications of a school-age administrator or school-age site coordinator is present at least 50% of the hours of operation.
- D. A licensee shall ensure that a school-age site coordinator is responsible for no more than two school-age centers.
- E. A licensee shall ensure that a school-age center has at least one staff member who at least meets the qualifications for and fills the position of school-age site assistant.
- F. A licensee shall ensure that when a school-age administrator or school-age site coordinator is not present at the school-age center, an assigned staff member that at least meets the qualifications of school-age site assistant is present and specifically designated as responsible for the school-age center. This staff member shall have documented training in the day-to-day operations of the center with an emphasis on the supervision of children and staff.

79. Outdoor Play Area

- A. A licensee shall have a safe outdoor play area. This outdoor area must be approved by the OCCL. This outdoor space for running and games may be provided at the center or by excursions to public or private playgrounds.
- B. A licensee operating a school-age center at a public or private school may use that school’s playground as the outdoor play area upon approval by the OCCL.

80. Food, Water, and Nutrition

- A. When provided and served by the facility, a licensee shall ensure that at a minimum, a nutritious snack comprised of one age-appropriate serving size item from each of two of the four food groups as described in these regulations is served to each child in after-school care. If milk or 100% juice is not included with a snack provided and served by the center, water shall also be served with that snack.
 - i. If breakfast is not served at the school-age center, a nutritious snack shall be served to each child who is in before school care for more than two hours.
 - ii. If milk or 100% juice is not included with a snack, water shall also be served with that snack.
- B. A licensee shall ensure that drinking water is visible and always available to children in their classrooms and outdoors and supplied to them upon their request or available for self-service as appropriate.

81. Child Care Activities

A licensee shall ensure that a program of indoor and outdoor activities and supplies and equipment is provided based on the ages and developmental levels of school-age children served.

- A. As described in Subsection 70.C, supplies and equipment shall be adapted to suit the different ages and interests of the school-age children, including books for all reading abilities in sufficient quantities to allow children the opportunity to freely choose activities or materials. There shall be a system of sharing items such as computers that are in high demand but cannot be supplied to all children.
- B. Children shall have the opportunity to take responsibility consistent with their ages for choosing, planning, carrying out, and evaluating their own activities including opportunities to experience a diversity of activities that reflect the various communities, languages, and cultures of the children in attendance.
- C. The daily schedule and daily or monthly activity plan for school-age children shall be posted and include the following:

Activities for School-Age Children	
Daily	Monthly
<ul style="list-style-type: none"> • Opportunities for moderate to vigorous active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment; 	<ul style="list-style-type: none"> • Opportunities to participate in projects that require an extended time period to complete in such topics as science, math, social studies, language arts, cooking, drama, creative arts, or music.
<ul style="list-style-type: none"> • Opportunities for outdoor activities after-school. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors; and 	
<ul style="list-style-type: none"> • Opportunities for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying. 	

APPENDIX

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN			
OCCL REQUIRED MEAL COMPONENTS			
MEAL COMPONENT	Ages 1 through 2	Ages 3 through 5	Ages 6 through 12
BREAKFAST – Serve all 3 of the following components (meat/meat alternate is optional):			
1. Milk, fluid (whole for 12-24 months; 2%, 1%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice¹ or vegetable	1/4 Cup	1/2 Cup	1/2 Cup
3. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Cereal – Dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – Hot	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate (optional)			
Lean meat, poultry or fish	1/2 Ounce	1/2 Ounce	1 Ounce
Cheese (No Cheese Food)²	1/2 Ounce	1/2 Ounce	1 Ounce
Cottage cheese	2 Tablespoons	2 Tablespoons	2 Tablespoons
Large egg	1/2 Egg	1/2 Egg	1/2 Egg
Peanut butter or other nut/seed butters	1 Tablespoon	1 Tablespoon	2 Tablespoons
Nuts or seeds	1/2 Ounce	1/2 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/4 Cup	1/4 Cup	1/2 Cup
¹ Juice: Only 100% unsweetened juice may be served.			
² Cheese must be real, natural cheese. Cheese food or cheese products may not be served.			

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN			
OCCL REQUIRED MEAL COMPONENTS			
MEAL COMPONENT	Ages 1 through 2	Ages 3 through 5	Ages 6 through 12
LUNCH or DINNER – Serve the following 5 components:			
1. Milk, fluid (whole for 12-24 months; 2%, 1%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice¹ or Vegetable	1/4 Cup	1/2 Cup	3/4 Cup
3. Fruit or vegetable			
4. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Grain or pasta	1/4 Cup	1/4 Cup	1/2 Cup
Cereal – dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – hot	1/4 Cup	1/4 Cup	1/2 Cup
5. Meat or meat alternate			
Lean meat, poultry or fish	1 Ounce	1 – 1/2 Ounce	2 Ounces
Cheese (No Cheese Food)²	1 Ounce	1 – 1/2 Ounce	2 Ounces
Cottage cheese	1/4 Cup	3/8 Cup	1/2 Cup
Large egg	1/2 Egg	3/4 Egg	1 Egg
Cooked dry beans/peas	1/4 Cup	3/8 Cup	1/2 Cup
Peanut butter or other nut/seed butters	2 Tablespoons	3 Tablespoons	4 Tablespoons
Nuts or seeds	1/2 Ounce	3/4 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/2 Cup	3/4 Cup	1 Cup
¹ Juice: Only 100% unsweetened juice may be served.			
² Cheese must be real, natural cheese. Cheese food or cheese products may not be served.			

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN

OCCL REQUIRED MEAL COMPONENTS			
MEAL COMPONENT	Ages 1 through 2	Ages 3 through 5	Ages 6 through 12
SNACK – Serve 2 of the following 4 components:			
1. Milk, fluid (whole for 12-24 months; 2%,1%, or fat-free for age 2 and older)	1/2 Cup	1/2 Cup	1 Cup
2. Fruit /Juice¹ / Vegetable	1/2 Cup	1/2 Cup	3/4 Cup
3. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Grain or pasta	1/4 Cup	1/4 Cup	1/2 Cup
Cereal – dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – hot	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate			
Lean meat, poultry, or fish	1/2 Ounce	1/2 Ounce	1 Ounce
Cheese (No Cheese Food)²	1/2 Ounce	1/2 Ounce	1 Ounce
Cottage cheese	2 Tablespoons	2 Tablespoons	2 Tablespoons
Large egg	1/2 Egg	1/2 Egg	1/2 Egg
Cooked dry beans/peas	1/8 Cup or 2 Tablespoons	½ Cup or 2 Tablespoons	1/4 Cup or 4 Tablespoons
Peanut butter or other nut/seed butters	1 Tablespoon	1 Tablespoon	2 Tablespoons
nuts or seeds	1/2 Ounce	1/2 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/4 Cup	1/4 Cup	1/2 Cup
¹ Juice: Only 100% unsweetened juice may be served.			
² Cheese must be real, natural cheese. Cheese food or cheese products may not be served.			

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO INFANTS

OCCL REQUIRED MEAL COMPONENTS			
MEAL COMPONENT	Birth through 3 Months	4 through 7 months	8 through 11 months
BREAKFAST – Serve the following 3 components:			
1. Breast Milk or Formula	4 – 6 fluid ounces	4 – 8 fluid ounces	6 – 8 fluid ounces
2. Infant Cereal	None	0 – 3 Tablespoons	2 – 4 Tablespoons
3. Fruit or Vegetable or both	None	None	1 – 4 Tablespoons
LUNCH OR DINNER – Serve the following 4 components:			
1. Breast Milk or Formula	4 – 6 fluid ounces	4 – 8 fluid ounces	6 – 8 fluid ounces
2. Infant Cereal	None	0 – 3 Tablespoons	2 – 4 Tablespoons
3. Fruit or Vegetable	None	0 – 3 Tablespoons	1 – 4 Tablespoons
4. Meat or Meat Alternate			
Lean meat, poultry, fish, egg yolk, cooked beans or peas	None	None	1 – 4 Tablespoons
Cheese (No Cheese Food)¹	None	None	1/2 – 2 ounces
Cottage Cheese	None	None	1 – 4 ounces
SNACK – Serve the following 2 components:			
1. Breast Milk or Formula	4 – 6 fluid ounces	4 – 6 fluid ounces	2 – 4 fluid ounces
2. Grain or Bread			
Bread	None	None	0 – 1/2 Slice
Crackers	None	None	0 – 2 Crackers
¹ Cheese: Cheese must be real, natural cheese. Cheese food or cheese products may not be served.			

Appendix: The Delaware Child Care Act

**TITLE 31
Welfare
In General
CHAPTER 3. CHILD WELFARE
Subchapter III. The Delaware Child Care Act**

§ 341 Short title.

This act may be referred to and cited as "The Delaware Child Care Act."

73 Del. Laws, c. 165, § 1.;

§ 342 Definitions.

For the purpose of this act:

(1) "Child care" means and includes:

a. Any person, association, agency or organization which:

1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or guardian, for the purpose of providing such child or children with care, education, protection, supervision or guidance;
2. Is compensated for their services;
3. Advertises or holds himself, herself or itself out as conducting such child care;

b. The provision of, or arranging for, the placement of children in foster care homes, adoptive homes or supervised independent living arrangements; and

c. Family child care homes, large family child care homes, day care centers, child placing agencies, residential child care facilities and day treatment programs as currently defined by regulation. Day-care centers operating part- or full-day are subject to licensure. Homes in which children have been placed by any child placing agency properly licensed to place children in this State shall not be regarded as "child care."

(2) "Office of Child Care Licensing" (or "OCCL") means the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families.

Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 31 Del. C. 1953, § 341; 70 Del. Laws, c. 186, § 1; 73 Del. Laws, c. 165, § 1; 73 Del. Laws, c. 279, § 1; 79 Del. Laws, c. 335, § 1.;

§ 343 Powers of the Office of Child Care Licensing with respect to child care.

(a) Any person or association conducting child care and all institutions, agencies and associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors, including organizations providing care of children whether dependent or otherwise, in lieu of the care and supervision ordinarily provided by parents in their own homes for periods of less than 24 hours a day, must accord the Office of Child Care Licensing or its authorized agents right of entrance, privilege of inspection and access to its accounts and reports.

(b) A person or association conducting child care and all institutions, agencies, associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors shall make reports at such time as is required by the Office of Child Care Licensing as to conditions of such child care, the manner and way in which children are taken care of, former addresses and such other information as will show the social status of the child, how and to whom dismissed, the extent and source of its income, the cost of maintenance and such other reasonable information as will enable the Office of Child Care Licensing to promote the general welfare of the children and to work out a general program for their care and protection.

(c) The Office of Child Care Licensing may prescribe, by regulation or otherwise, any reasonable standards for the conduct of such child care facilities, institutions, agencies, associations or organizations and may license such of these as conform to such standards. All regulations, enforcement actions, decisions, investigations and the like previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding passage of this subchapter.

Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 44 Del. Laws, c. 78; 31 Del. C. 1953, § 342; 58 Del. Laws, c. 64, § 1; 64 Del. Laws, c. 108, § 4; 73 Del. Laws, c. 165, § 1.;

§ 344 Child care licenses; investigation; requirements; notice; hearings and appeals.

(a) No person may conduct child care, nor may any institution, agency, association or organization conduct child care, unless first having obtained a license from the Office of Child Care Licensing. Such license shall expire 1 year from the date it is issued unless renewed.

(b) In the case of a person conducting child care, no license shall be issued to such person until the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:

- (1) The good character and intention of the applicant or applicants;
- (2) That the individual home or facility meets the physical, social, moral, mental and educational needs of the average child;
- (3) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
- (4) That the required criminal background checks are completed and approved.

(c) In the case of an institution, agency, association or organization, no license shall be issued until the Office of Child Care Licensing has made a thorough investigation and has made a favorable determination of:

- (1) The good character and intention of the applicant or applicants;
- (2) The present and prospective need of the service rendered;
- (3) The employment of capable, trained and experienced workers;
- (4) Sufficient financial backing to ensure effective work;
- (5) The probability of the service being continued for a reasonable period of time;
- (6) Whether the methods used and disposition made of the children served will be to their best interests and that of society;
- (7) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
- (8) That the required criminal background checks are completed and approved.

(d) This section shall not apply to any institution, agency, association or organization under state ownership and control, nor shall it apply to any maternity ward of a general hospital.

(e) Before any license issued under this chapter is revoked or a license application is denied, notice shall be given in writing to the holder of the license setting forth the particular reasons for such action.

(1) Such revocation or license application denial shall become effective 30 business days after the date of the receipt by certified mail, regular U.S. mail or personal service of the notice, unless the applicant or licensee within 10 business days from the date of the receipt of such notice gives written notice to the Office of Child Care Licensing requesting a hearing, in which case the proposed action shall be deemed to be suspended.

(2) If a hearing has been requested, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before a hearing officer designated by the Department of Services for Children, Youth and Their Families in accordance with § 10125 of Title 29.

(3) At any time during, or prior to the hearing, the Office of Child Care Licensing may rescind any notice upon being satisfied that the reasons for revocation or license application denial have been or will be removed.

(f) The procedure governing hearings authorized by this section shall be in accordance with § 10125 of Title 29 and regulations promulgated by the Department of Services for Children, Youth and Their Families.

(g) A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to this section. A copy or copies of the transcript may be obtained by a party upon payment of the cost of preparing the transcript. Witnesses may be subpoenaed by either party.

(h) Within 10 business days of the date of the revocation or license application denial hearing, or within 5 business days of the date of a suspension hearing, the hearing officer will issue recommendations to the Secretary of the Department of Services for Children, Youth and Their Families, with a copy to each party, which shall include:

- (1) A brief summary of the evidence and recommended findings of fact based upon the evidence;
- (2) Recommended conclusions of law; and
- (3) Recommended decision.

(i) The Secretary of the Department of Services for Children, Youth and Their Families shall accept, deny, or accept in part, and/or deny in part, the recommendations of the hearing officer in the case and issue a final decision within 10 business days of the date of mailing of the recommendations.

(j) A copy of the decision of the Department setting forth the finding of facts and the particular reasons for the decision shall be sent by certified mail, regular U.S. mail or served personally upon the applicant or licensee. The decision shall become final 10 business days after it is so mailed or served. The applicant or licensee shall have 30 business days in which to appeal the decision to the Superior Court as provided in this section. The final decision of the Secretary will not be stayed pending appeal unless the Court so determines pursuant to § 10144 of Title 29.

(k) Any applicant or licensee who is dissatisfied with the decision of the Department as a result of the hearing provided in this section, may, within 30 business days after the mailing or service of the notice of decision as provided in said section, file a notice of appeal to the Superior Court in the office of the Prothonotary of the Superior Court of the county in which the child care facility is located or to be located, and serve a copy of said notice of appeal upon the Department. The Department shall promptly certify and file with the Court a copy of the record and decision, including the transcript of the hearings on which the decision is based. Proceedings thereafter shall be governed by the Rules of the Superior Court of the State. This review shall be in accordance with the provisions of § 10142 of Title 29.

(l) *Emergency suspension order.* — If the health, safety or well-being of children in care of a licensee is in serious or imminent danger, the Office of Child Care Licensing may immediately suspend the license on a temporary basis without notice.

(1) Such emergency suspension may be verbal or written and the licensee shall cease all operation as stated in the emergency suspension order.

(2) Any verbal suspension order shall be followed by a written emergency suspension order within 3 business days.

(3) The order shall be temporary and state the reason(s) for the suspension.

(4) Within 10 business days of the issuance of the suspension order, the licensee may give written notice to the Office of Child Care Licensing requesting a hearing. This hearing will be scheduled within 10 business days of the receipt of the request.

(5) If no hearing is requested as provided above, the temporary order becomes a final order.

(6) At any time during, or prior to the hearing, the Office of Child Care Licensing may reinstate the license upon being satisfied that the reasons for the emergency suspension order have been removed.

Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 31 Del. C. 1953, § 343; 58 Del. Laws, c. 64, § 1; 64 Del. Laws, c. 108, § 4; 73 Del. Laws, c. 165, § 1; 79 Del. Laws, c. 335, § 2.;

§ 345 Penalties for violations.

Anyone who violates a provision of this subchapter shall be fined not more than \$100 or imprisoned not more than 3 months, or both.

Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 31 Del. C. 1953, § 344; 73 Del. Laws, c. 165, § 1.;

§ 346 Provider Advisory Board; appointments; composition; terms; vacancies.

(a) There is hereby established within the Office of Child Care Licensing, a Provider Advisory Board.

(b) The Board shall consist of 7 members, who are residents of this State, and are appointed by the Governor. The following shall be members of the Board:

(1) One provider from a family child care home from each of New Castle County, Kent County, and Sussex County;

(2) One director/owner of a private day care center from each of New Castle County, Kent County, and Sussex County; and

(3) One provider from a family child care home or 1 director/owner of a private day care center from the City of Wilmington.

Furthermore, at least 1 of the members of the Board appointed pursuant to this subsection (b) shall also be from a Boys and Girls Club within this State. For purposes of this subsection, a day care center at a Boys and Girls Club shall be considered a private day care center.

(c) The term of a Board member appointed by the Governor shall be 3 years and shall terminate upon the Governor's appointment of a new member to the Board. A Board member shall continue to serve until his or

her successor is duly appointed but a holdover under this provision does not affect the expiration date of a succeeding term.

(d) In case of a vacancy on the Board before the expiration of a Board member's term, a successor shall be appointed by the Governor within 30 days of the vacancy for the remainder of the unexpired term.

(e) The Board shall elect 1 of its members as Chair to serve for a 1-year term and who shall be eligible for reelection.

(f) The Board shall meet at the call of the Chair but no fewer than 4 times a year.

78 Del. Laws, c. 146, § 1; 70 Del. Laws, c. 186, § 1; 78 Del. Laws, c. 365, § 1.;

§ 347 Provider Advisory Board; powers and duties.

The Board shall have the authority to serve in an advisory capacity to the Office of Child Care Licensing with regard to adopting, promulgating and amending such rules and regulations as are required to carry out this chapter with respect to early care and education and school-age centers. (78 Del. Laws, c. 146, § 1)

Appendix: Child Abuse Reporting Law

TITLE 16 Health and Safety Regulatory Provisions Concerning Public Health CHAPTER 9. ABUSE OF CHILDREN Subchapter I. Reports and Investigations of Abuse and Neglect; Child Protection Accountability Commission

§ 901 Purpose.

The child welfare policy of this State shall serve to advance the best interests and secure the safety of the child, while preserving the family unit whenever the safety of the child is not jeopardized. The child welfare policy of this State extends to all child victims, whether victims of intra-familial or extra-familial abuse and neglect. To that end this chapter, among other things:

- (1) Provides for comprehensive and protective services for abused and neglected children;
- (2) Mandates that reports of child abuse or neglect be made to the appropriate authorities; and
- (3) Requires various agencies in Delaware's child protection system to work together to ensure the safety of children who are the subject of reports of abuse or neglect by conducting coordinated investigations, judicial proceedings and family assessments, and by providing necessary services.

This chapter also provides for the protection of children in facilities or organizations primarily concerned with child welfare and care that are required to be licensed under Delaware law by requiring the Delaware Department of Justice to notify any such facility where an employee of, or other person associated with, the facility has been charged with or convicted of an offense involving child sexual abuse.

16 Del. C. 1953, § 1001; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 68 Del. Laws, c. 440, § 1; 71 Del. Laws, c. 199, § 2; 78 Del. Laws, c. 403, § 1.;

§ 902 Definitions.

As used in this chapter, the following terms mean:

- (1) "Abuse" or "abused child" as defined in § 901 of Title 10.
- (2) "Baby" shall mean a child not more than 14 days old, except that for hospitals and their employees and volunteers, "baby" shall mean a child reasonably believed to be not more than 14 days old.
- (3) "Child" shall mean any person who has not reached that person's own 18th birthday.
- (4) "Child Protection Registry" or "Registry" means a collection of information as described in subchapter II of this chapter about persons who have been substantiated for abuse or neglect as provided in subchapter II of this chapter or who were substantiated between August 1, 1994, and February 1, 2003.
- (5) "Child welfare proceeding" means any Family Court proceeding and subsequent appeal therefrom involving custody, visitation, guardianship, termination of parental rights, adoption or other related petitions that involve a dependent, neglected or abused child or a child at risk of same as determined by the Family Court.
- (6) "Conviction" or "convicted" means entry of a plea of guilty or nolo contendere, regardless of whether the plea was subsequently discharged or dismissed under the first offenders domestic violence diversion program pursuant to § 1024 of Title 10, or under the first offenders controlled substances diversion program pursuant to § 4767 of this title, or of a Robinson plea, or of a probation before judgment discharge without judgment of conviction notwithstanding the provisions of § 4218(f) of Title 11, or a finding of guilt after trial, or a finding of not guilty after trial as a result of the defense of mental disease or defect pursuant to Title 11, or adjudication of delinquency for conduct which if committed by an adult, would constitute a crime; or "conviction" or "convicted" under similar proceedings of another state, territory or jurisdiction.
- (7) "Department" shall mean the Department of Services for Children, Youth and Their Families.
- (8) "Director" shall mean the Director of the Division of Family Services of the Department of Services for Children, Youth and Their Families.
- (9) "Division" shall mean the Division of Family Services of the Department of Services for Children, Youth and Their Families.
- (10) "Family assessment and services" shall mean a case management approach by the Division of Family Services that provides for a prompt assessment of a child and the child's family and the

circumstances of the reported incident (including the known history of the child and/or the alleged perpetrator) when there has been a report to the Division that the child was a victim of abuse or neglect, or at risk of maltreatment by a person responsible for that child's care, custody or control. Family assessment and services shall be used in conjunction with the investigation approach defined in paragraph (13) of this section but may not supplant it in circumstances which require an investigation. The family assessment response shall focus on the integrity and preservation of the family and shall assess the status of the child and the family in terms of the risk of abuse and neglect and, if necessary, plan and provide for the provision of community-based services to reduce the risk and to otherwise support the family.

(11) "Good faith" shall be presumed in the absence of evidence of malice or wilful misconduct.

(12) "Internal information system" shall mean a system of maintaining information related to all reports of abuse, neglect, investigations, family assessments, services and other relevant information.

(13) "Investigation" shall mean the collection of evidence in response to a report of abuse, neglect, or risk of maltreatment by a person responsible for that child's care, custody or control in order to determine if a child has been abused, neglected, or is at risk of maltreatment. The Division shall develop protocols for its investigations that focus on ensuring the well-being and safety of the child. The Division may conduct an investigation in response to any report of abuse, neglect, or risk of maltreatment but shall conduct an investigation as enumerated under § 906(e)(3) of this title.

(14) "Investigation Coordinator" shall mean a Department employee, appointed by the Secretary, who is authorized to independently track each reported case of alleged child abuse or neglect within the Department's internal information system and who is responsible for monitoring each reported case involving the death of, serious physical injury to, or allegations of sexual abuse of a child from inception to final criminal and civil disposition.

(15) "Multidisciplinary tracking system" shall mean an electronic system which the Investigation Coordinator utilizes to track and monitor each case involving the death of, or serious injury to, a child, or allegations of sexual abuse of a child, from inception to final criminal and civil disposition.

(16) "Neglect" as defined in § 901 of Title 10.

(17) "Physical injury" as defined in § 222 of Title 11.

(18) "Report" shall mean the communication of an allegation of child abuse or neglect to the Division pursuant to § 903 or § 905 of this title;

(19) "Serious physical injury" as defined in § 222 of Title 11.

(20) "Sexual abuse" as defined in § 901 of Title 10.

(21) "Special Investigator" shall mean a Division employee, appointed by the Secretary, who performs abuse and neglect investigations and possesses additional qualifications and authority as defined by § 9016 of Title 29.

(22) "Substantiation" means a finding by a preponderance of the evidence that abuse or neglect has occurred.

(23) "Those responsible for the care, custody and control of the child" or "care, custody and control" as defined in § 901 of Title 10.

60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 213, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 199, § 3; 72 Del. Laws, c. 179, § 3; 72 Del. Laws, c. 469, § 4; 73 Del. Laws, c. 187, §§ 2, 8; 73 Del. Laws, c. 412, §§ 2-5; 75 Del. Laws, c. 376, § 1; 76 Del. Laws, c. 136, §§ 14-16; 78 Del. Laws, c. 13, § 60; 78 Del. Laws, c. 403, § 2; 79 Del. Laws, c. 336, § 1.;

§ 902A Registration; procedure; notice.

Repealed by 73 Del. Laws, c. 412, § 6, effective February 1, 2003.;

§ 903 Reports required.

Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.

16 Del. C. 1953, § 1002; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 72 Del. Laws, c. 179, § 4; 77 Del. Laws, c. 320, § 1.;

§ 904 Nature and content of report; to whom made.

Any report of child abuse or neglect required to be made under this chapter shall be made to the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division, or in accordance with the rules and regulations adopted by the Division.

16 Del. C. 1953, § 1003; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 108, §§ 4, 11; 77 Del. Laws, c. 320, § 2.;

§ 905 Telephone reports, Child Protection Registry and information.

(a) The Division shall establish and maintain a 24-hour statewide toll-free telephone report line operating at all times and capable of receiving all reports of alleged abuse and neglect as defined in § 901 of Title 10.

(b) The Division shall maintain a Child Protection Registry and an internal information system as defined by § 902 of this title. Reports unsubstantiated shall be kept in the internal information system by the Division.

(c) Every report of child abuse or neglect made to the Division shall be entered in the Division's internal information system and each such report involving the death of, serious physical injury to, or allegations of sexual abuse of a child shall also be entered in the Department's multi-disciplinary tracking system.

(d) Although reports may be made anonymously, the Division shall in all cases, after obtaining relevant information regarding alleged abuse or neglect, request the name and address of any person making a report.

(e) Upon receipt of a report, the Division shall immediately communicate such report to its appropriate Division staff, after a check has been made with the internal information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, or any reports regarding any siblings, family members or the alleged perpetrator, and such information as may be contained from such previous reports. Such relevant information as may be contained in the internal information system shall also be forwarded to the appropriate Division staff.

(f) Upon receipt of a report of child abuse or neglect, the Division shall immediately notify the Investigation Coordinator of the report, in sufficient detail to permit the Investigation Coordinator to undertake the Investigation Coordinator's duties, as specified in § 906 of this title.

16 Del. C. 1953, § 1004; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 108, § 4; 68 Del. Laws, c. 440, § 2; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 199, § 4; 73 Del. Laws, c. 412, §§ 26, 27; 77 Del. Laws, c. 320, § 3; 78 Del. Laws, c. 403, § 3.;

§ 906 State response to reports of abuse or neglect.

(a) The State's child protection system shall seek to promote the safety of children and the integrity and preservation of their families by conducting investigations and/or family assessments in response to reports of child abuse or neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

(b) It is the policy of this State that the investigation and disposition of cases involving child abuse or neglect shall be conducted in a comprehensive, integrated, multi-disciplinary manner that:

(1) Provides civil and criminal protections to the child and the community;

(2) Encourages the use of collaborative decision-making and case management to reduce the number of times a child is interviewed and examined to minimize further trauma to the child; and

(3) Provides safety and treatment for a child and his or her family by coordinating a therapeutic services system.

(c)(1) In implementing the Investigation Coordinator's role in the child protection system, the Investigation Coordinator, or the Investigation Coordinator's designee, shall:

a. Have the authority to track within the Department's internal information system each reported case of alleged child abuse or neglect;

b. Monitor each case involving the death of, serious physical injury to, or allegations of sexual abuse of a child from inception to final criminal and civil disposition, and provide information every 60 days on the status of each case to the Division, the Department, the Delaware Department of Justice, the Children's Advocacy Center, and the Office of Child Advocate;

- c. Within 5 business days of the receipt of a report concerning allegations of child abuse or neglect by a person known to be licensed or certified by a Delaware agency or professional regulatory organization, forward a report of such allegations to the appropriate Delaware agency or professional regulatory organization;
 - d. Report every case involving the death or near death of a child due to abuse or neglect to the Child Death, Near Death and Stillbirth Commission pursuant to § 323(e) of Title 31; and
 - e. Provide information to the Child Protection Accountability Commission ("CPAC"), as requested by CPAC, regarding the status, trends, and outcomes of any case or cases of child abuse or neglect that are reported to the Division. Reports to CPAC shall not disclose the identities of the child, alleged perpetrators, or others involved in the case or cases.
- (2) All information and records received, prepared, or maintained by the Investigation Coordinator, or the Investigation Coordinator's designee, are confidential and shall be exempt from the provisions of the Freedom of Information Act, Chapter 100 of Title 29. However, the disclosure of case specific data and information to the multidisciplinary team is authorized to ensure a comprehensive, integrated, multidisciplinary response to child abuse cases.
- (3) The Investigation Coordinator, and the Investigation Coordinator's designee, as state employees, are entitled to immunity in accordance with § 4001 of Title 10.
- (d) In implementing law enforcement's role in the child protection system, the law-enforcement agency investigating a report of child abuse shall:
- (1) Report every case of child abuse to the Division as required by § 903 of this title; and
 - (2) Provide information as necessary to the Investigation Coordinator to permit case tracking, monitoring and reporting by the Investigation Coordinator.
- (e) In implementing the Division's role in the child protection system, the Division shall:
- (1) Receive and maintain reports pursuant to the provisions of §§ 903 and 905 of this title;
 - (2) Forward reports to the appropriate Division staff, who shall determine, through the use of protocols developed by the Division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols for making this determination shall be developed by the Division and shall give priority to ensuring the well-being and safety of the child;
 - (3) The Division may investigate any report, but shall conduct an investigation involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody and control of the child of any of the following provisions of § 603, § 604, § 611, § 612, § 613, § 621, § 625, § 626, § 631, § 632, § 633, § 634, § 635, § 636, § 645, § 763, § 765, § 766, § 767, § 768, § 769, § 770, § 771, § 772, § 773, § 774, § 775, § 776, § 777, § 780, § 782, § 783, § 783A, § 791, § 1100A, § 1101, § 1102, § 1107, § 1108, § 1109, § 1110, § 1111, or § 1259 of Title 11, or an attempt to commit any such crimes. The Division staff shall also contact the Delaware Department of Justice and the appropriate law-enforcement agency upon receipt of any report under this section and shall provide such agency with a detailed description of the report received. The appropriate law-enforcement agency shall assist the Division in the investigation or provide the Division, within a reasonable time, an explanation detailing the reasons why it is unable to assist. Notwithstanding any provision of the Delaware Code to the contrary, to the extent the law-enforcement agency with jurisdiction over the case is unable to assist, the Division may request that the Delaware State Police exercise jurisdiction over the case and upon such request the Delaware State police may exercise such jurisdiction;
 - (4) The assisting law-enforcement agency shall promptly conduct its own criminal investigation, and keep the Division regularly apprised of the status and findings of its investigation. Law-enforcement agencies and the Division shall develop protocols to ensure compliance with this subsection;
 - (5) Ensure that every case of child death, and every case of near death due to abuse or neglect, is reported to the Child Death, Near Death and Stillbirth Commission pursuant to § 323(e) of Title 31;
 - (6) Ensure that all cases involving allegations of child abuse or neglect by a person known to be licensed or certified by a Delaware agency or professional regulatory organization, have been reported to the appropriate Delaware agency or professional regulatory organization and the Investigation Coordinator in accordance with the provisions of this section;
 - (7) The Division shall have authority to secure a medical examination of a child, without the consent of those responsible for the care, custody and control of the child, if the child has been reported to be a victim of abuse or neglect; provided, that such case is classified as an investigation pursuant to paragraph (e)(3) of this section and the Director or the Director's designee gives prior authorization for such examination upon finding that such examination is necessary to protect the health and safety of the child;

- (8) The investigation shall include, but need not be limited to, the nature, extent and cause of the abuse or neglect, collection of evidence, the identity of the alleged perpetrator, the names and condition of other children and adults in the home, the home environment, the relationship of the subject child to the parents or other persons responsible for the child's care, any indication of incidents of physical violence against any other household or family member, background checks on all adults in the home, and the gathering of other pertinent information;
 - (9) In the family assessment and services approach, assess service needs of the family from information gathered from the family and other sources. The Division shall identify and provide for services for families where it is determined that the child is at risk of abuse or neglect. The Division shall document its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect. If the family refuses to accept or avoids the proffered services, the Division may refer the case for investigation or terminate services;
 - (10) Commence an immediate investigation if at any time during the family assessment and services approach the Division determines that an investigation as delineated in paragraph (e)(3) of this section is required or is otherwise appropriate. The Division staff who have conducted the assessment may remain involved in the provision of services to the child and family;
 - (11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. The reason for the termination of the investigative process shall be documented;
 - (12) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;
 - (13) Identify local services and assist with access to those services for children and families where there is risk of abuse or neglect;
 - (14) Update the internal information system at regular intervals during the course of the investigation. At the conclusion of the investigation or family assessment, the internal information system shall be updated to include a case finding;
 - (15) When a written report is made by a person required to report under § 903 of this title, the Division shall contact the person who made such report within 48 hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, which may be pertinent;
 - (16) Upon completion of an investigation or family assessment and services approach, if the Division suspects that the report was made maliciously or for the purpose of harassment, the Division shall refer the report and any evidence of malice or harassment to the appropriate law enforcement agency;
 - (17) Multidisciplinary services shall be used whenever possible in conducting the investigation or family assessment and services approach, including the services of law-enforcement agencies, the medical community, and other agencies, both public and private;
 - (18) A person required to report under § 903 of this title to the Division shall be informed by the Division of the person's right to obtain information concerning the disposition of the report. Such person shall receive, from the local office, if requested, information on the general disposition of the report at the conclusion of the investigation;
 - (19) In any judicial proceeding involving the custody of child, the fact that a report has been made pursuant to § 903 or § 905 of this title shall not be admissible unless offered by the Division as a party or as a friend of the Court or if the Division is a party. However, nothing herein shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made;
 - (20) To protect the privacy of the family and the child named in a report, the Division shall establish guidelines concerning the disclosure of information concerning the abuse and neglect involving a child. The Division may require persons to make written requests for access to records maintained by the Division. The Division shall only release information to persons who have a legitimate public safety need for such information or a need based on the health and safety of a child subject to abuse, neglect or the risk of maltreatment, and such information shall be used only for the purpose for which the information is released; and
 - (21) Upon the receipt of a report concerning allegations of abuse or neglect against a person known by the Division to be licensed by 1 of the boards listed in § 8735 of Title 29, forward reports to the Division of Professional Regulation.
- (f) In implementing the Delaware Department of Justice's role in the child protection system, it shall:
- (1) Report every case of child abuse to the Division pursuant to § 903 of this title;

(2) Ensure that every case of child death and every case of near death due to abuse or neglect has been reported to the Child Death, Near Death and Stillbirth Commission pursuant to § 323(e) of Title 31;

(3) Provide information as necessary to the Investigation Coordinator to permit case tracking, monitoring and reporting by the Investigation Coordinator; and

(4) Ensure that all cases involving allegations of child abuse or neglect by a person known to be licensed or certified by a Delaware agency or professional regulatory organization, have been reported to the appropriate Delaware agency or professional regulatory organization and the Investigation Coordinator in accordance with provisions of this section.

(g) In the event that a criminal prosecution for child sexual abuse or exploitation is initiated by the Delaware Department of Justice against a person employed by or associated with a facility or organization required to be licensed or whose staff personnel are required to be licensed under Delaware law whose primary concern is that of child welfare and care, the Delaware Department of Justice shall notify such employer within 48 hours.

Any violations of this subsection shall be dealt with administratively by the Attorney General and the penalty provisions of § 914 of this title shall not apply hereto.

(h) In the event that a criminal prosecution for abuse or neglect is initiated by the Delaware Department of Justice pursuant to a report under this chapter and incarceration of the person who is the subject of the report is ordered by the court, the Delaware Department of Justice shall keep the Division informed of actions taken by the courts which result in the release of any such individual.

71 Del. Laws, c. 199, § 5; 71 Del. Laws, c. 424, § 8; 72 Del. Laws, c. 173, § 5; 73 Del. Laws, c. 412, § 28; 77 Del. Laws, c. 318, § 6; 77 Del. Laws, c. 320, §§ 4, 5; 78 Del. Laws, c. 403, § 4; 78 Del. Laws, c. 406, § 1; 79 Del. Laws, c. 336, § 2.;

§ 907 Temporary emergency protective custody.

(a) A police officer or a physician who reasonably suspects that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect and who reasonably suspects the harm or threat to life may occur before the Family Court can issue a temporary protective custody order may take or retain temporary emergency protective custody of the child without the consent of the child's parents, guardian or others legally responsible for the child's care.

(b) Any person taking a child into temporary emergency protective custody under this section shall immediately notify the Division, in the county in which the child is located, of the person's actions and make a reasonable attempt to advise the parents, guardians, or others legally responsible for the child's care. Such person shall also file, as soon as practicable but no later than 12 hours thereafter, a written statement with the Division which sets forth the identity of the child and the facts and circumstances which gave such person reasonable cause to believe that there was imminent danger of serious physical harm or threat to the life of the child. Upon notification that a child has been taken into temporary emergency protective custody, the Division shall immediately respond in accordance with § 906 of this title to secure the safety of the child which may include ex parte custody relief from the Family Court if appropriate.

(c) Temporary emergency protective custody for purposes of this section shall not exceed 4 hours and shall cease upon the Division's response pursuant to subsection (b).

(d) For the purposes of this section, temporary emergency protective custody shall mean temporary placement within a hospital, medical facility or such other suitable placement; provided, however, that an abused or neglected child may not be detained in temporary custody in a secure detention facility.

(e) A Division investigator conducting an investigation pursuant to § 906 of this title shall have the same authority as that granted to a police officer or physician in paragraph (a) of this section, subject to all the same conditions as those listed in paragraphs (a) through (d) of this section, provided that the child in question is located at a school, day care facility or child care facility at the time that the authority is initially exercised. In no other case shall an employee of the Division exercise custody under this section.

71 Del. Laws, c. 199, § 5; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 173, § 7.;

§ 907A Safe Arms for Babies.

(a) The General Assembly finds and declares that the abandonment of a baby is an irresponsible act by parent or parents and places the baby at risk of injury or death from exposure, actions by other individuals, and harm from animals. However, the General Assembly does recognize that delivering a live baby to a safe place is far preferable to a baby killed or abandoned by the parent or parents. The General Assembly further finds and declares that the purpose of this section is not to circumvent the responsible action of parent or parents who adhere to the current process of placing the baby for adoption, but to prevent the unnecessary risk of harm to or death of that baby by desperate parent or parents who would otherwise abandon or cause the death of that baby. The General Assembly further finds and declares that medical information about the baby and the baby's parent or parents is critical for the adoptive parents and that every effort should be made, without risking the safe placement of the baby, to obtain that medical information and provide counseling

information to those parent or parents. The General Assembly further finds and declares that if this section does not result in the safe placement of such babies or is abused by parent or parents attempting to circumvent the current process of adoption, it should be repealed.

(b) A person may voluntarily surrender a baby directly to an employee or volunteer of the emergency department of a Delaware hospital inside of the emergency department, provided that said baby is surrendered alive, unharmed and in a safe place therein.

(c) A Delaware hospital shall be authorized to take temporary emergency protective custody of the baby who is surrendered pursuant to this section. The person who surrenders the baby shall not be required to provide any information pertaining to his or her identity, nor shall the hospital inquire as to same. If the identity of the person is known to the hospital, the hospital shall keep the identity confidential. However, the hospital shall either make reasonable efforts to directly obtain pertinent medical history information pertaining to the baby and the baby's family or attempt to provide the person with a postage paid medical history information questionnaire.

(d) The hospital shall attempt to provide the person leaving the baby with the following:

(1) Information about the Safe Arms program;

(2) Information about adoption and counseling services, including information that confidential adoption services are available and information about the benefits of engaging in a regular, voluntary adoption process; and

(3) Brochures with telephone numbers for public or private agencies that provide counseling or adoption services.

(e) The hospital shall attempt to provide the person surrendering the baby with the number of the baby's identification bracelet to aid in linking the person to the baby at a later date, if reunification is sought. Such an identification number is an identification aid only and does not permit the person possessing the identification number to take custody of the baby on demand.

(f) If a person possesses an identification number linking the person to a baby surrendered at a hospital under this section and parental rights have not already been terminated, possession of the identification number creates a presumption that the person has standing to participate in an action. Possession of the identification number does not create a presumption of maternity, paternity or custody.

(g) Any hospital taking a baby into temporary emergency protective custody pursuant to this section shall immediately notify the Division and the State Police of its actions. The Division shall obtain ex parte custody and physically appear at the hospital within 4 hours of notification under this subsection unless there are exigent circumstances. Immediately after being notified of the surrender, the State Police shall submit an inquiry to the Delaware Missing Children Information Clearinghouse.

(h) The Division shall notify the community that a baby has been abandoned and taken into temporary emergency protective custody by publishing notice to that effect in a newspaper of statewide circulation. The notice must be published at least 3 times over a 3-week period immediately following the surrender of the baby unless the Division has relinquished custody. The notice, at a minimum, shall contain the place, date and time where the baby was surrendered, the baby's sex, race, approximate age, identifying marks, any other information the Division deems necessary for the baby's identification, and a statement that such abandonment shall be:

(1) The surrendering person's irrevocable consent to the termination of all parental rights, if any, of such person on the ground of abandonment; and

(2) The surrendering person's irrevocable waiver of any right to notice of or opportunity to participate in any termination of parental rights proceeding involving such child, unless such surrendering person manifests an intent to exercise parental rights and responsibilities within 30 days of such abandonment.

(i) When the person who surrenders a baby pursuant to this section manifests a desire to remain anonymous, the Division shall neither initiate nor conduct an investigation to determine the identity of such person, and no court shall order such an investigation unless there is good cause to suspect child abuse or neglect other than the act of surrendering such baby.

73 Del. Laws, c. 187, §§ 3, 8; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 376, § 1.;

§ 908 Immunity from liability, and special reimbursement to hospitals for expenses related to certain babies.

(a) Anyone participating in good faith in the making of a report or notifying police officers pursuant to this chapter, performing a medical examination without the consent of those responsible for the care, custody and control of a child pursuant to § 906(e)(7) of this title, or exercising emergency protective custody in compliance with § 907 of this title, shall have immunity from any liability, civil or criminal, that might otherwise exist, and such immunity shall extend to participation in any judicial proceeding resulting from the above actions taken in good faith. This section shall not limit the liability of any health care provider for

personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to § 906(e)(3) of this title.

(b) A hospital, hospital employee or hospital volunteer which accepts temporary emergency protective custody of a baby pursuant to § 907A of this title is absolutely immune from civil and administrative liability for any act of commission or omission in connection with the acceptance of that temporary emergency protective custody or the provision of care for the baby when left at the hospital while said baby is in the hospital's temporary emergency protective custody except for negligence or intentional acts. If a hospital accepts temporary emergency protective custody of a baby pursuant to § 907A of this title, the State shall reimburse the hospital for eligible, medically necessary costs under the Medicaid Fee for Service Program.

16 Del. C. 1953, § 1005; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 71 Del. Laws, c. 199, § 5; 72 Del. Laws, c. 179, § 5; 73 Del. Laws, c. 187, §§ 4, 5, 8; 75 Del. Laws, c. 376, § 1; 78 Del. Laws, c. 403, § 4;

§ 909 Privileged communication not recognized.

No legally recognized privilege, except that between attorney and client and that between priest and penitent in a sacramental confession, shall apply to situations involving known or suspected child abuse, neglect, exploitation or abandonment and shall not constitute grounds for failure to report as required by § 903 of this title or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.

16 Del. C. 1953, § 1007; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 71 Del. Laws, c. 199, § 5;

§ 910 Court orders to compel.

(a) Whenever an investigation has been opened with the Division pursuant to § 906 of this title for potential abuse or neglect of a child, the Division shall have the authority to request an order from the Family Court:

- (1) To obtain access to the child, or children, and the residence of child, or children;
- (2) To compel the appearance of a person at an office of the Division in furtherance of the investigation; or
- (3) To compel compliance with a treatment plan previously agreed to by a child's parent or guardian, if non-compliance with the plan endangers a child's safety.

The Family Court shall issue such an order upon the showing of "need" by the Division and shall enforce noncompliance with such an order pursuant to § 925(3) of Title 10. Formal notice of a request under this section shall be provided to the respondent prior to the filing of the request with the Family Court provided that orders pursuant to this section may be granted on an ex parte basis if the child, or children, at issue are at risk of imminent physical danger. The Family Court shall consider all requests pursuant to this section within 2 business days of the request being made.

(b) For purposes of this section, "need" shall mean:

- (1) That the Division has in good faith attempted on at least 2 separate prior occasions, at least 1 of which was by written communication sent by certified mail, return receipt requested, to contact the person in question without success; or
- (2) That a child is in danger of imminent physical injury due to the Division's inability to communicate with the person or see the child or the child's residence.

71 Del. Laws, c. 199, § 6; 72 Del. Laws, c. 173, § 6.;

§ 911 Training and information.

(a) The Division shall, on a continuing basis, undertake and maintain programs to inform all persons required to report abuse or neglect pursuant to § 903 of this title and the public of the nature, problem and extent of abuse and neglect, and of the remedial and therapeutic services available to children and their families and to encourage self-reporting and the voluntary acceptance of such services.

(b) The Division shall conduct ongoing training programs to advance the purpose of this section.

(c) The Division shall continuously publicize the existence of the 24-hour report-line to those required to report abuse or neglect pursuant to § 903 of this title of their responsibilities and to the public the existence of the 24-hour statewide toll-free telephone number to receive reports of abuse or neglect.

71 Del. Laws, c. 199, § 6.;

§ 912 The Child Protection Accountability Commission.

(a) The Delaware Child Protection Accountability Commission is hereby established. The Commission shall consist of 24 members with the at-large members and the Chair appointed by the Governor, and shall be staffed by the Office of the Child Advocate. Members of the Commission serving by virtue of position may appoint a designee to serve in their stead. The Commission shall be comprised of the following:

- (1) The Secretary of the Department of Services for Children, Youth and Their Families;
 - (2) The Director of the Division of Family Services;
 - (3) Two representatives from the Attorney's General Office, appointed by the Attorney General;
 - (4) Two members of the Family Court, appointed by the Chief Judge of the Family Court;
 - (5) One member of the House of Representatives, appointed by the Speaker of the House;
 - (6) One member of the Senate, appointed by the President Pro Tempore of the Senate;
 - (7) The Chair of the Child Placement Review Board;
 - (8) The Secretary of the Department of Education;
 - (9) The Director of the Division of Prevention and Behavioral Health Services;
 - (10) The Chair of the Domestic Violence Coordinating Council;
 - (11) The Superintendent of the Delaware State Police;
 - (12) The Chair of the Child Death, Near Death and Stillbirth Commission;
 - (13) The Investigation Coordinator, as defined in § 902 of this title;
 - (14) One youth or young adult who has experienced foster care in Delaware, appointed by the Secretary of the Department;
 - (15) One representative from the Public Defender's Office, appointed by the Public Defender;
 - (16) Seven at-large members appointed by the Governor with 1 person from the medical community, 1 person from the Interagency Committee on Adoption who works with youth engaged in the foster care system, 1 person from a law-enforcement agency other than the State Police, and 4 persons from the child protection community. The law-enforcement representative may designate a proxy as needed.
- (b) The Child Advocate shall serve as the Executive Director of the Commission to effectuate its purposes pursuant to Chapter 90A of Title 29. It shall be the purpose of the Commission to monitor Delaware's child protection system to best ensure the health, safety and well-being of Delaware's abused, neglected and dependent children. To that end, the Commission shall meet on a quarterly basis and shall:
- (1) Examine and evaluate the policies, procedures and effectiveness of the child protection system and make recommendations for changes therein, focusing specifically on the respective roles in the child protection system of the Division of Family Services, the Division of Prevention and Behavioral Health Services, the Office of the Attorney General, the Family Court, the medical community, and law-enforcement agencies;
 - (2) Recommend changes in the policies and procedures for investigating and overseeing the welfare of abused, neglected and dependent children;
 - (3) Advocate for legislation and make legislative recommendations to the Governor and General Assembly;
 - (4) Access, develop and provide quality training to staff of the Division of Family Services, Deputy Attorneys General, Family Court, law enforcement officers, the medical community, educators, day-care providers, and others on child protection issues;
 - (5) Review and make recommendations concerning the well-being of Delaware's abused, neglected and dependent children including, but not limited to, issues relating to foster care, adoption, mental health services, victim services, education, rehabilitation, substance abuse and independent living; and
 - (6) Provide the following reports to the Governor:
 - a. An annual summary of the Commission's work and recommendations, including work of the Office of the Child Advocate, with copies thereof sent to the General Assembly; and
 - b. A quarterly written report of the Commission's activities and findings, in the form of minutes, made available also to the General Assembly and the public.

71 Del. Laws, c. 199, § 6; 70 Del. Laws, c. 186, § 1; 73 Del. Laws, c. 116, §§ 1-3, 5[4]; 76 Del. Laws, c. 97; 77 Del. Laws, c. 327, § 210(a); 77 Del. Laws, c. 383, §§ 1-3; 79 Del. Laws, c. 322, § 1.;

§ 913 Child under treatment by spiritual means not neglected.

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child for the purposes of this chapter.

16 Del. C. 1953, § 1006; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1.;

§ 914 Penalty for violation.

(a) Whoever violates § 903 of this title shall be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent violation.

(b) In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees. (16 Del. C. 1953, § 1008; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1. 77 Del. Laws, c. 121, § 1; 77 Del. Laws, c. 320, § 6)

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