

**LARGE FAMILY CHILD CARE HOMES – PART 1 – USER FRIENDLY – DECEMBER 2007**

**INTRODUCTION**

**LEGAL BASE**

1. The legal base for these licensing Rules is in the Delaware Code, Title 31, Welfare, In General, Chapter 3, Child Welfare, Subchapter III, The Delaware Child Care Act, Subsections 341 – 345 and Title 29, State Government, Part VIII, Departments of Government, Chapter 90, Department of Services For Children, Youth And Their Families, Subsection 9003 (7).

**PURPOSE**

2. The overall purpose of these Rules is the protection and promotion of the health, safety and well-being, and positive development of children who receive licensed child care services in Large Family Child Care Homes.

**GENERAL PROVISIONS**

**DEFINITION OF REGULATED SERVICE**

3. Large Family Child Care is a licensed child care service offered by persons who provide care, education, protection, supervision or guidance in a private home or non-residential setting on a regular basis for seven (7) to twelve (12) children. This does not include a child care service provided exclusively to relatives. Service is provided for part of the twenty-four (24) hour day, unattended by parent or guardian, and for compensation.

**DEFINITION OF TERMS**

4. "Administrator" means the individual responsible for the supervision and administration of the Office of Child Care Licensing.
5. "Administrative Appeal Hearing" means the hearing provided to an Applicant or Licensee when the Applicant or Licensee has timely requested appeal of the Division's decision to deny an application or revoke a Large Family Child License.
6. "Adult" means a person who has reached his or her eighteenth (18<sup>th</sup>) birthday.
7. "Applicant" means an individual, agency, corporation or partnership applying for a Large Family Child Care License that is obtained from the Office of Child Care Licensing.
8. "Associate Caregiver" means a staff member who works under the supervision of a Caregiver and provides child care and related duties at a Large Family Child Care Home that was licensed before the effective date of these Rules. The Associate Caregiver may supervise Substitutes and meets the qualifications specified in Rule #84 of the previous *Delacare: Requirements for Large Family Child Care Homes (1994)*. The Associate Caregiver is renamed Large Family Child Care Assistant in these Rules.
9. "Background check" means a State (Delaware) and Federal (national) report of a person's entire criminal history, a search of the Department's child abuse and neglect records, and when applicable, a search of the Department of Health and Social Services' adult abuse registry.
10. "Business Day(s)" means any weekday Monday through Friday. It does not include the weekend (Saturday and Sunday) or any State of Delaware legal holiday that falls on a

weekday.

11. "Caregiver" means the staff member with the direct responsibility for the total program of services provided to children and their families including providing child care and related duties and, when applicable, managing the administrative aspects at a Large Family Child Care Home that was licensed before the effective date of these Rules. The Caregiver supervises Assistant Caregivers and Substitutes and meets the qualifications specified in Rules #61-63 of the previous *Delacare: Requirements for Large Family Child Care Homes (1994)*. The Caregiver is renamed Large Family Child Care Provider in these Rules.
12. "Change of Shift" means the two (2) hour period of time overlapping between two (2) full (at least eight (8) hours per shift) shifts of child care and the specific conditions in which additional children are allowed beyond the licensed capacity for that particular time period.
13. "Child" means any person who has not reached the age of eighteen (18) years.
14. "Child Abuse" means the abuse of a child as currently defined in Delaware Code, Title 16, Chapter 9.
15. "Child Care" means the providing of care, education, protection, supervision or guidance of children in a Large Family Child Care Home.
16. "Child Care Licensing Specialist" or "Child Care Licensing Supervisor" means the individual in employment of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing and is responsible as per Delaware Code for performing regulatory and enforcement activities for licensure.
17. "Child Neglect" means the neglect of a child defined in Delaware Code, Title 16, Chapter 9,
18. "Child Sex Abuse" means any act against a child that is described as a sex offense as defined in Delaware Code, Title 11, Subsection 761 (d) or in subpart D. "sexual offenses" of subchapter I. of Chapter 5 of Title 11 of the Delaware Code.
19. "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(s) or impairment(s) which would require modification(s) in the regular program of activities for that child at the Large Family Child Care home or as defined by applicable Federal and State Laws.
20. "Clock Hour(s)" means the actual number of hours or time a participant spends attending the instructional portion of a training to develop or enhance early care and education and school-age care competencies.
21. "Complaint" means an accusation that a Licensee is not in compliance with these Rules or any applicable laws. Complaints may be written or oral and may be anonymous.
22. "Corrective Action Plan" means a plan provided to the Licensee by the Office of Child Care Licensing which specifies the how a Licensee corrects any non-compliance and the time frame in which the non-compliance shall be corrected.
23. "*Delaware First*" means the professional development system for early care and education and school-age care professionals in Delaware.
24. "Department" means the Department of Services for Children, Youth and Their Families.

25. "Denial" means the refusal to issue a Large Family Child Care License after the receipt of an original or renewal application. This constitutes refusal of official permission for the applicant or Licensee to provide regulated service.
26. "Direct Observation" (of children or staff members) means that staff members are physically present in the same room or area with children or other staff members, are visually monitoring the interactions of children and/or staff members and alert to any problems that may occur.
27. "Direct Voice Contact" means a Licensee speaking directly with a Child Care Licensing Specialist, Child Care Licensing Supervisor, or the Administrator from the Office of Child Care Licensing through a telephone call or face-to-face contact. A voice mail message is not acceptable.
28. "Division" means the Division of Family Service within the Department.
29. "Health Care Provider" means a professionally licensed physician, advance practice nurses (nurse practitioners) and physician assistants, such license being issued by an established licensing body.
30. "Household member(s)" means persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the child's household..
31. "Individualized Educational Program" (IEP) means a written statement of a child's educational program which identifies the services for a child with disabilities or special needs so that he or she may grow and learn during the school year. To develop an IEP, the local education agency officials and others involved in the child's educational program meet to discuss education related goals.
32. "Individualized Family Service Plan" (IFSP) means a document written at least once each year by the parent(s)/guardian(s) and personnel serving infants/toddlers with disabilities or special needs.
33. "Infant" means any child who is under the age of twelve (12) months.
34. "Infant/Toddler Home" means a Large Family Child Care Home in which a licensed child care service is provided for twelve (12) infants and/or toddlers. Child care in an Infant/Toddler Home may be provided for children who are not infants and toddlers in accordance with the *Delacare: Rules for Large Family Child Care Homes*.
35. "Institutional Child Abuse or Neglect" means child abuse or neglect which has occurred to a child in the Department's custody and/or placed in a facility, center or home operated, contracted or licensed by the Department.
36. "Large Family Child Care Assistant" means the staff member who works under the supervision, and when applicable, the direct observation of the Large Family Child Care Provider and provides child care and related duties at a Large Family Child Care Home. The Large Family Child Care Assistant may supervise Substitutes and meets the qualifications specified in Rules #148 & 149 or 150.
37. "Large Family Child Care Home" means a private home or non-residential setting in which a licensed child care service is provided for seven (7) to twelve (12) children at any one time.

38. "Large Family Child Care License" means a written document issued by the Office of Child Care Licensing to an individual verifying that he/she has demonstrated compliance with the *Delacare: Rules for Large Family Child Care Homes* and applicable codes, regulations and laws.
39. "Large Family Child Care Provider" means the staff member with direct responsibility for the total program of services provided to children and their families including providing child care and related duties and, when applicable, the managing the administrative aspects of a Large Family Child Care Home. The Large Family Child Care Provider supervises Large Family Child Care Assistants and Substitutes and meets the qualifications specified in Rule #146 and when applicable, Rules #145 & 147.
40. "Licensee" means the person(s) or entity that is issued the Large Family Child Care License and has legal responsibility for and authority over the operation of the Large Family Child Care Home.
41. "Licensure" means the issuing of a Large Family Child Care License when the Applicant has demonstrated compliance with the *Delacare: Rules for Large Family Child Care Homes* and applicable codes, regulations, and laws.
42. "Meal" means breakfast, lunch, or dinner.
43. "Night Child Care" means child care is provided in the evening and/or overnight between the hours of 8:00 P.M. and 6:00 P.M.
44. "Office of Child Care Licensing" means the governmental organization within the Department authorized under Delaware Code, Title 31, Chapter 3, Subchapter III, to prescribe, by regulations or otherwise, any reasonable standards for the conduct of child care facilities, institutions, agencies, associations or organizations and may license such of these to conform to such standards.
45. "Owner" means the person(s) or entity who is issued the Large Family Child Care License and has legal responsibility for and authority over the operation of the Large Family Child Care Home that was licensed before the effective date of these Rules under *Delacare: Requirements for Large Family Child Care Homes*. Owner is renamed Licensee in these Rules.
46. "Parent(s)/guardian(s)" means a birth or adoptive parent, legal guardian or any other person having responsibility for, or legal custody of, a child.
47. "Preschool-Age Child" means a child who is between thirty-six (36) months and five (5) years of age who is not yet attending a public or private kindergarten program. If a child is older than five (5) 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 which ever comes first.
48. "Professional Development" means the continuous pursuit of essential knowledge and skills needed to develop or enhance generally accepted competencies in the early care and education and school-age field.
49. "Regularly or on a regular basis" means child care services which are available and provided at a Large Family Child Care Home on more than one (1) day in any one (1) week or for periods longer than three (3) weeks in any calendar year.
50. "Relative" means a person having any of the following relationships by blood, marriage, or adoption between the Licensee, household or staff member, and the child in child care:

parent, grandparent, great-grandparent, brother, sister, aunt, uncle, stepparent, stepbrother, and stepsister. A cousin, for the purpose of this definition, shall not be considered a relative.

51. "Revocation" means the process of rescinding a Large Family Child Care License during the effective dates of the Large Family Child Care License. If the process concludes with the decision of the Secretary of the Department to revoke the Large Family Child Care License, the Licensee shall cease operation of a Large Family Child Care Home within thirty (30) days of the decision.
52. "Rule(s)" means the Office of Child Care Licensing establishing a baseline or minimum standard required for a particular aspect of child care provided in a Large Family Child Care Home. A Licensee of a Large Family Child Care Home is encouraged to exceed the baseline or minimum standard required by these Rules.
53. "Secretary" means the Cabinet Secretary of the Department of Services for Children, Youth and Their Families
54. "Section 504 Plan" means a document describing accommodations provided to a child to ensure full participation at the Family Child Home.
55. "School-age care" means child care for school-age children in any of the following circumstances: before and/or after school; during school holidays; and/or summer months.
56. "School-age Child" means any child age five (5) years or older who is attending kindergarten or higher grade. A child shall be considered school-age beginning the first day attending kindergarten or first grade which ever comes first.
57. "Snack" means supplemental food served between meals.
58. "Staff Member" means any full or part time employee(s) of a Large Family Child Care Home including the Substitute(s), and volunteer(s).
59. "Substitute" means staff member designated by the Licensee to provide child care in the Large Family Child Care Home when the Large Family Child Care Provider or Large Family Child Care Assistant is not present. The Substitute shall be under the supervision and direct observation of the Large Family Child Care Provider or, Large Family Child Care Assistant as qualified under Rules #148 & 150, at all times.
60. "Supervision" (of children) means the appropriate number of staff members are physically present in the area or room where children are being cared for and are providing watchful oversight and timely attention to the children's actions and needs.
61. "Suspension Hearing" means an informal hearing between the Division and the Licensee in order to determine whether the Large Family Child Care License remains suspended.
62. "Temporary Suspension Order" or "Suspension Order" means a notice issued by the Office of Child Care Licensing to the Licensee directing that Large Family Child Care services be discontinued on a date specified by the Office of Child Care Licensing. The Licensee shall not provide Large Family Child Care services during the term of a Temporary Suspension Order.
63. "Toddler" means a child between the age of twelve (12) months and under thirty-six (36) months.
64. "Training" means the successful participation in an organized professional development

activity that is approved or accepted by the Office of Child Care Licensing as designed to develop or enhance the early care and education or school-age care competencies of staff members of the Large Family Child Care Home.

65. "Variance" means the nontransferable written authorization issued by the Division after the Licensee has demonstrated an alternative means by which to meet the intent of a specific Rule. A variance is a conditional approval to operate outside of these Rules and is based on the need(s) or circumstance(s) of the Licensee and Large Family Child Care Home.
66. "Volunteer" means a person or staff member who provides an unpaid service or support to a Large Family Child Care Home.

#### **LARGE FAMILY CHILD CARE LICENSURE**

67. An individual shall not operate or maintain a Large Family Child Care Home unless a Large Family Child Care License to do so is issued by the Office of Child Care Licensing.

#### **AUTHORITY TO INSPECT**

68. The Licensee, adult household and staff member(s), and Substitute shall permit access to the Large Family Child Care Home, and respond to and cooperate with requests from authorized representatives of the Office of Child Care Licensing, and other State or local agencies and allow for the announced or unannounced inspection of any area or aspect of the operation of the Large Family Child Care Home which affects or potentially affects the children in child care including access to and request for information, files and records, for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws.
69. The Licensee, shall not impede and shall permit the interview of him or herself, household and staff members, Substitute, any child in child care, and the parent(s)/guardian(s) of a child in child care by authorized representatives of the Office of Child Care Licensing, and other State or local agencies for the purposes of determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws.

#### **AUTHORITY TO REQUEST OTHER INSPECTIONS AND EXAMINATIONS**

70. The Office of Child Care Licensing is authorized to request the appropriate State and local fire, health and building officials to conduct inspections and examinations of a Large Family Child Care Home to determine compliance with State and local ordinances, codes, regulations, and laws with reports submitted to the Office of Child Care Licensing.

#### **APPLICATION PROCESS**

71. The Applicant shall apply for a Large Family Child Care License on a form provided by the Office of Child Care Licensing. An application shall be required for initial licensure, and upon renewal when seeking to continue the operation of a Large Family Child Care Home.
72. The Applicant shall sign a statement which certifies:
  - A. He/she has read and understands these Rules;
  - B. Intent to maintain full or substantial compliance with these Rules and any other applicable codes, regulations, and laws; and
  - C. Intent to provide child care for children throughout the majority of the licensure period(s).

73. The Applicant shall demonstrate to the satisfaction of the Office of Child Care Licensing that he/she and the Large Family Child Care Home is in full or substantial compliance with applicable provisions of these Rules, and any other applicable codes, regulations, and laws to qualify for a Large Family Child Care License.
74. The Applicant shall attend pre-licensing meeting(s) and/or training(s) and successfully complete the application process as described in Rules #71-83 within a time period as established by the Office of Child Care Licensing.
75. The Applicant shall submit a complete application including all required materials to the Office of Child Care Licensing and when applicable, any other agency as required by their codes, regulations, or laws such as, but not limited to, the Division of Public Health, City or State Fire Marshal, Division of Revenue, Department of Natural Resources and Environmental Control, City or County Offices of Land Use or Zoning.
76. The Applicant shall submit documentation of current certification in cardiopulmonary resuscitation (CPR) and completion of a first aid course each applicable to the ages of the children in child care if serving as a staff member.
77. The Applicant shall provide two (2) written letters of reference from two (2) adults who are familiar with the Applicant but who are not related to the Applicant. These references shall verify that the Applicant is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.
78. The Applicant shall sign a release of employment history form provided by the Office of Child Care Licensing that permits the Office of Child Care Licensing to obtain service letters as per Delaware Code, Title 19, Chapter 7, Section 708 from a current or most recent previous employer for him or herself, and any health care and/or child care facility for which the Applicant was employed within the past five (5) years of application for Licensure.
  - A. If a Licensee has no prior employment history, five (5) letters of reference as specified in Rule #77 shall be required to be provided.
79. The Applicant, and all household member(s) eighteen (18) years of age or older shall be fingerprinted by the Delaware State Police.
  - A. The Office of Child Care Licensing, at its discretion when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, may require a background check on a household member under eighteen (18) years of age.
80. The Applicant shall sign a release for the result of an adult abuse registry check through the Department of Health and Social Services.
81. The Applicant shall provide written evidence of health appraisals attesting to his/her health, and the health of any adult household members.
  - A. The written report from a health care provider shall have been completed within one (1) year prior to the date of initial licensure and include, at a minimum:
    - i. Health history;
    - ii. Physical exam;
    - iii. Vision and hearing screening;
    - iv. Freedom from communicable tuberculosis (Tb) verified within one (1) year prior to the date of initial licensure, with further testing every five (5) years;
    - v. A review of immunization status (such as measles, mumps, rubella, diphtheria, tetanus, and polio);

- vi. A review of occupational health concerns;
  - vii. Assessment of need for vaccines against illnesses such as but not limited to, influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and
  - viii. Assessment of health related limitations or communicable diseases that may impair a person's ability to perform the child care or have direct access to children.
82. The Applicant shall provide a health appraisal for children preschool-age or younger, including school-age children who are not attending a public or private school, living in the Large Family Child Care Home as specified in Rule #359.
83. The Applicant shall provide written proof of an electrical inspection of the Large Family Child Care Home conducted by an inspection agency that is approved by the State Fire Marshal.

#### **ANNUAL LARGE FAMILY CHILD CARE LICENSE**

84. The annual Large Family Child Care License shall be issued when the Office of Child Care Licensing determines that the Applicant who becomes the Licensee, and Large Family Child Care Home are in full or substantial compliance with applicable provisions of these Rules. This includes the determination of suitability of the Applicant and household members based on the results of background checks for the issuance of the initial annual Large Family Child Care License.
85. The Licensee shall maintain full or substantial compliance with applicable provisions of these Rules and all other applicable local, State and Federal codes, regulations and laws throughout the licensure period(s).
86. The annual Large Family Child Care License shall be issued only to the Applicant who becomes the Licensee, and for the address of the Large Family Child Care Home shown on the application and is not transferable, assignable or subject to sale.
87. The annual Large Family Child Care License shall be effective for one (1) year from the date of issuance, unless it is:
- A. Modified to a provisional Large Family Child Care License;
  - B. Revoked;
  - C. Surrendered prior to the expiration date
  - D. Nullified; or
  - E. Suspended.
88. The Licensee shall post the Large Family Child Care License in a place conspicuous to the public.
89. The Licensee shall comply with any restrictions on the maximum number of children in child care which may be placed upon the Large Family Child Care Home by the Office of Child Care Licensing or other applicable agencies' codes, regulations and laws such as those related to fire safety and zoning.

#### **PROVISIONAL LARGE FAMILY CHILD CARE LICENSE**

90. A provisional Large Family Child Care license may be issued to a Licensee when is temporarily unable to comply with all of these Rules and when the Office of Child Care Licensing determines that:

- A. There is no serious risk to the health, safety and well-being of the children;
  - B. The Licensee has agreed to fulfill and operate under conditions as stated in a written corrective action plan as designated by the Office of Child Care Licensing; and
  - C. The Licensee demonstrates to the Office of Child Care Licensing of intent to comply.
91. A provisional Large Family Child Care License may be replaced with an annual Large Family Child Care License when the Licensee makes a written request to the Office of Child Care Licensing for the replacement of a provisional Large Family Child Care with an annual Large Family Child Care License after the corrective action plan is completed by the Licensee and approved by the Office of Child Care Licensing, and the Office of Child Care Licensing determines that a Licensee has:
- A. Demonstrated the correction of all violations in advance of the expiration date of the provisional Large Family Child Care License in accordance with the agreed upon conditions as stated in the corrective action plan as designated by the Office of Child Care Licensing; and
  - B. Come into and maintains full or substantial compliance with applicable provisions of these Rules; and
92. A provisional Large Family Child Care License may be renewed when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve full or substantial compliance with applicable provisions of these Rules.

#### **PROCEDURES FOR LARGE FAMILY CHILD CARE LICENSE RENEWAL**

93. The Licensee shall be required to renew a Large Family Child Care License annually.
- A. An annual Large Family Child Care License shall expire one (1) year from the date of issuance.
94. At least ninety (90) calendar days before the expiration of the current Large Family Child Care License, the Licensee shall make a request to the Office of Child Care Licensing by direct voice contact or in writing to obtain a Large Family Child Care License application form
95. The Licensee shall submit a fully completed Large Family Child Care License application form and all required materials to the Office of Child Care Licensing at least sixty (60) calendar days prior to the expiration of current Family Child Care License.
- A. When a Licensee makes timely and complete application for renewal of an annual Large Family Child Care License, the current Large Family Child Care License shall not expire until the Office of Child Care Licensing makes a decision on the Large Family Child Care License renewal application.

#### **NOTIFICATION TO THE OFFICE OF CHILD CARE LICENSING**

96. A Licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's business hours of the death of a child while in child care. If the death occurs after such business hours, the Licensee shall immediately call the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).

97. A Licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact during the Office of Child Care Licensing's business hours if any of the following occur:
- A. Any fire; flood; or any other serious damage due to any natural or man-made disaster(s) that impact the ability to operate safely;
  - B. Injury of a child while in child care at a Large Family Child Care Home requiring inpatient or outpatient treatment. The direct voice contact shall be followed by a written report on a form provided by the Office of Child Care Licensing;
  - C. Suspected abuse or neglect of a child enrolled at the Large Family Child Care Home and immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the abuse or neglect; or
  - D. Any subsequent charges, arrests, or convictions; or any involvement of the Licensee, household and staff members with the Department due to child abuse or neglect.
  - E. Any breakdown of equipment that could pose a threat to the health and safety of children in child care. including but not limited to, lack of operating toilets, interruption of running water, loss of telephone service, failure of smoke/fire alarm system, and failure of cooling or heating systems so that temperatures cannot be maintained within limits of Rule #203.
98. The Licensee shall notify the Office of Child Care Licensing within five (5) business days by direct voice contact and follow-up in writing to his/her assigned Child Care Licensing Specialist when there is a change in the:
- A. Telephone number of the Large Family Child Care Home;
  - B. Shift(s) of child care provided;
  - C. Composition of household;
  - D. Physical space or rooms used at the Large Family Child Care Home for child care; or
  - E. Staff member;
  - F. Substitute; or
  - G. Intended use of a Substitute as specified in Rule #175.
99. The Licensee shall report to the Office of Child Care Licensing in writing or by direct voice contact at least thirty (30) days in advance of a change in address of the Large Family Child Care Home. A new Large Family Child Care License shall be required at the new address prior to providing Large Family Child Care services at the new address.

#### **NULLIFICATION OF LICENSE**

100. A Large Family Child Care Home License shall immediately become null and void when the following occurs:
- A. The Licensee changes the location of the Large Family Child Care Home;
  - B. The Licensee surrenders the Large Family Child Care License to the Office of Child Care Licensing;
  - C. The Large Family Child Care License has been denied
  - D. The Large Family Child Care License has been revoked; or
  - D. The Large Family Child Care License has expired.

#### **COMPLAINT PROCESS**

101. An investigation by the Office of Child Care Licensing shall be made if a complaint is received regarding *Delacare: Rules for Large Family Child Care Homes*. The Office of Child Care Licensing shall notify the Licensee that a complaint is being investigated. The results of the Office of Child Care Licensing's investigation shall be reported in writing to the Licensee investigated. If the complaint is substantiated or if other violations are found as a result of the investigation, the Licensee shall be required to correct the violations and come into compliance with these Rules and any applicable Federal, State or local law or regulations.
  - A. Complaints relating specifically to codes, regulations, or laws of other State and local agencies shall be referred to the appropriate agency for investigation. At the time of the referral, the Office of Child Care Licensing shall request a report from the other State and local agencies on the investigation findings.
102. An investigation by the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Children's Services, Institutional Abuse Investigation Unit shall be made if a complaint is received regarding the abuse or neglect of a child at the Large Family Child Care Home. Law enforcement shall be notified and will conduct an investigation of any complaint that may constitute a crime.
103. An investigation of a reported unlicensed Large Family Child Care Home shall be made and require the individual(s) providing unlicensed Large Family Child Care to cease operation upon notice from the Office of Child Care Licensing.

#### **SUSPENSION, REVOCATION OR DENIAL OF A LARGE FAMILY CHILD CARE LICENSE**

104. The Division may suspend, deny an application, or revoke a Large Family Child Care License for good cause, including but not limited to the following:
  - A. Failure to comply with applicable provisions of State Law(s) or of these Rules;
  - B. Violation of the terms or conditions of Large Family Child Care License or corrective action plan;
  - C. Use of fraud, or intentional or negligent misrepresentation in obtaining a Large Family Child Care License or in the subsequent operation of the Large Family Child Care Home;
  - D. Refusal to furnish information, files, and records to authorized representative(s) of the Office of Child Care Licensing, and other State or local agencies for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws;
  - E. Refusal to respond to or cooperate with a request from an authorized representative of the Office of Child Care Licensing, and other State and local agencies and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws;
  - F. Engaging in any activity, policy, practice or conduct that adversely affects or presents a serious or imminent danger, or risk thereof to the health, safety or well-being of children; or
  - G. Conduct that otherwise demonstrates unfitness by the Licensee to operate a Large Family Child Care home.
105. If the health, safety or well-being of children in child care is in serious or imminent danger, or risk thereof, the Office of Child Care Licensing may immediately suspend the Large

Family Child Care License upon issuance of a temporary suspension order. The initial temporary suspension order may be verbal or written. Any verbal temporary suspension order shall be followed by a written temporary suspension order. Upon receipt, the Licensee shall cease operation of the Large Family Child Care Home. The temporary suspension order shall state the reason(s) for the temporary suspension. Upon request of the Licensee, the Division Director or designee shall schedule a suspension hearing within ten (10) business days of the issuance of the temporary suspension order at which the Licensee or Licensee's representative may be present.

## **APPEAL**

106. If the Division intends to deny an application, or revoke a Large Family Child Care License to operate, the Division shall mail a notice of intent to deny or revoke the Large Family Child Care License to the Licensee. Such notice shall specify the Licensee's right to appeal the decision and request an administrative appeal hearing. The Licensee shall request an administrative hearing within ten (10) business days of the date the notice was mailed as based on the postmark. The Division's notice shall state the Rules and briefly summarize the facts upon which the intent to deny or revoke is based.
107. If a written request or a verbal request made by direct voice contact for an administrative appeal hearing is received by the Division within the ten (10) business days of the date the notice of the intent to deny or revoke was mailed, the Division shall provide an opportunity for an administrative appeal hearing within thirty (30) business days from the date the request for an administrative appeal hearing is received, unless for good cause, the Hearing Officer grants postponement or parties agree to postponement.
108. The administrative appeal hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the administrative appeal hearing.
109. If a Licensee requests an administrative appeal hearing within ten (10) business days of the date the notice of intent to deny or revoke was mailed, the existing Large Family Child Care License shall remain in effect until an official written decision has been rendered subsequent to the administrative appeal hearing. The Office of Child Care Licensing shall have the authority to suspend the Large Family Child Care License immediately whenever the health, safety or well being of children in child care is in serious or imminent danger or risk thereof.
110. If a Licensee does not make a request within ten (10) business days of the date the notice of intent to deny or revoke was mailed for an administrative appeal hearing, the action in such notice seeking to deny or revoke a Large Family Child Care License shall become final and binding without any further right of review and take effect thirty (30) business days after the issuance of the notice. However, where stated in the Division's notice, if the health, safety or well-being of children in child care is in serious or imminent danger or risk thereof, denial or revocation shall be effective immediately upon the issuance of a written notice by the Division.

## **RULE VARIANCES**

111. Upon the written request of an Applicant or Licensee, the Division may grant a variance from these Rules if the Applicant or Licensee has documented to the satisfaction of the Division that the intent of the specific Rule shall be satisfactorily achieved in a manner other than that prescribed by the Rule.
112. The Division shall render its decision on the request for variance in writing, including the conditions and Rules for which the variance is granted, and shall send a signed copy of the decision to the Applicant or Licensee. A copy of the decision shall be maintained on file by

the Division and the Applicant or Licensee.

113. The variance may be, at the Office of Child Care Licensing's discretion, time-limited or indefinite but shall only remain in effect as long as the Licensee continues to satisfactorily achieve the intent of the Rule and maintain the health, care, safety, protection, supervision, of children in child care.
114. The Division shall monitor the Licensee's compliance with the variance. If the Licensee fails to comply with the variance, the Division shall initiate necessary enforcement action and may revoke the variance.

## **PROVISIONS FOR OPERATION OF A LARGE FAMILY CHILD CARE HOME**

### **GENERAL REQUIREMENTS OF LICENSEE AND HOUSEHOLD MEMBERS**

115. The Licensee and household members shall not have any conviction, current indictment, or substantial evidence of involvement in:
  - A. Any activity involving violence against a person;
  - B. Child abuse or neglect;
  - C. Possession, sale or distribution of illegal drugs;
  - D. Sexual misconduct;
  - E. Gross irresponsibility or disregard for the safety of others; or
  - F. Serious violations of accepted standards of honesty or ethical behavior.
    - i. The Department may, at its own discretion, make exceptions to the above Rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined by Delaware Code, Title 16, Chapter 9, Subchapter II, Subsection 923.
116. The Licensee shall ensure that within five (5) business days of a current household member turning eighteen (18) years of age, an individual becoming a new household member, and new Substitute being designated, that such individual is fingerprinted by the Delaware State Police. The Licensee shall provide verification of such fingerprinting to the Office of Child Care Licensing within fourteen (14) business days.
  - A. The Office of Child Care Licensing, at its discretion when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, may require a background check on a household member under eighteen (18) years of age.
117. The Licensee shall ensure that household members eighteen (18) years of age and older are not left alone with children in child care at the Large Family Child Care Home until the results of all background checks are completed, suitability is determined and household members are approved by the Office of Child Care Licensing.
118. Any person whose children are removed from his/her custody because of abuse, neglect or dependency shall not be issued a license.
  - A. A person who has relinquished or otherwise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment, for consideration in determining the suitability of licensure at the Large Family Child Care Home.
119. The Licensee and household members shall not be convicted of any offense defined as child sex abuse in Delaware Code, Title 11.

120. The Licensee shall ensure that, when serving as a staff member, copies of his or her health appraisal and the health appraisal of adult household members are kept on file at the Large Family Child Care Home and updated to be consistent with household composition.
121. The Licensee and household members shall provide written authorization to permit the release of medical records to the Office of Child Care Licensing for the follow-up for known medical problems or as required by the Office of Child Care Licensing for the purposes of determining whether the medical problem might create a significant risk to children.
122. The Licensee and household members shall not be diagnosed or under treatment for a serious mental illness which might create a significant risk of harm to children and provide written authorization to permit the release of medical records to the Office of Child Care Licensing for the purposed of determining whether a mental illness might create a significant risk to children.
123. The Licensee shall not consume alcohol or use illegal drugs while providing child care at the Large Family Child Care Home.
124. The Licensee, household members, and any person present in the Large Family Child Care Home shall not be under the influence of alcohol, other drug(s) or substance(s) which adversely affects children in child care and the operation of the Large Family Child Care Home.
125. The Licensee shall have no other employment during the hours that children are in child care or participate in activities that distract from providing child care.
126. The Licensee shall not provide care for individuals requiring convalescent or nursing care at the Large Family Child Care Home during the hours children are in child care.
127. The Licensee shall not provide foster care at the Large Family Child Care Home for children or adults without the prior written approval of the Department.
  - A. The decision for dual service shall be made by the Administrator based upon the recommendation of the Child Care Licensing Specialist and Foster Home Coordinator of the placing agency. The recommendation shall consider the specific needs of potential child care children and foster care placements.
  - B. The written approval shall include the number and ages of children/adults to be cared for in each program in accordance with requirements.
  - C. The decision for dual service shall be reviewed periodically.
  - D. Foster children of preschool age and younger shall be counted in the capacity of the Large Family Child Care Home.

#### **GENERAL STAFF MEMBER REQUIREMENTS**

128. The Licensee shall have on file for each staff member at least two (2) letters of reference from two (2) adults who are familiar with the staff member but who are not related to the staff member. These references shall verify that the staff member is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.
129. The Licensee shall ensure that each staff member is able to read, understand and carry out the Delacare: Rules for Large Family Child Care Homes.
130. The Licensee shall ensure that each staff member has an understanding of and respect for children and the child's family and culture and needs of children. For the staff members assigned child care duties, this includes, but is not limited to meeting children's physical

needs such as feeding and diapering, supervising children's activities, supporting children's physical, intellectual, social and emotional growth, dealing with emergencies in a calm manner, and carrying out methods of positive behavior management as stipulated in these Rules and within the responsibilities of their particular position.

131. The Licensee shall not employ or retain any person with any conviction, current indictment, or substantial evidence of involvement in:
  - A. Any activity involving violence against a person;
  - B. Child abuse or neglect;
  - C. Possession, sale or distribution of illegal drugs;
  - D. Sexual misconduct;
  - E. Gross irresponsibility or disregard for the safety of others; or
  - F. Serious violations of accepted standards of honesty or ethical behavior.
  - i. The Department may, at its own discretion, make exceptions to the above Rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined by Delaware Code, Title 16, Chapter 9, Subchapter II, Subsection 923.
132. The Licensee shall not employ or retain in any capacity any person whose child or children are removed from his/her custody because of abuse, neglect, or dependency.
  - A. A person who has relinquished or other wise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment, for consideration in determining the suitability for employment at the Large Family Child Care Home.
133. The Licensee shall not employ or retain in any capacity any person convicted of any offense defined as child sex abuse in Delaware Code, Title 11, Chapter 85, Subchapter IV, Subsection 8550.
134. The Licensee shall require a staff member to sign a release of employment history form provided by the Office of Child Care Licensing and obtain service letters from the staff member's current or most recent previous employer. In addition, if the staff member was employed in a health care facility and/or child care facility within the past five (5) years, the Licensee shall also obtain a service letter from such employer(s).
  - A. Volunteers who will be alone with children shall be required to provide service letters regardless of time spent at the Center providing unpaid services; or
  - B. Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to provide service letters.
135. The Licensee shall require each staff member to be fingerprinted for child care by the Delaware State Police as soon as they are hired or schedule an appointment to be fingerprinted no later than the fifth business day. The staff member shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted.
  - A. Volunteers who will be alone with children shall be required to be fingerprinted regardless of time spent at the Center providing unpaid services; or
  - B. Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to be fingerprinted.

136. The Licensee shall request the results of an adult abuse registry check through the Department of Health and Social Services for a staff member as soon as they are hired or no later than the fifth business day.
137. The Licensee shall ensure that staff members are not left alone with children in child care at the Large Family Child Care Home until the results of all background checks are completed, suitability is determined and staff members are approved by the Office of Child Care Licensing.
138. The Licensee shall inform staff members that the consumption of alcohol or use of illegal drugs is prohibited while providing child care at the Large Family Child Care Home.

## **STAFF QUALIFICATIONS**

### **PREVIOUSLY LICENSED LARGE FAMILY CHILD CARE HOME**

139. The Owner (renamed as Licensee in these Rules), Caregiver (renamed as Large Family Child Care Provider in these Rules) or Associate Caregiver (renamed as Large Family Child Care Assistant) of a Large Family Child Care Home that was licensed before the effective date of these Rules may continue qualify for the former positions as stated in the previous *Delacare: Requirement for Large Family Child Care Homes (1994)* only at the previously licensed Large Family Child Care Home.

## **TRAINING EQUIVALENCY**

140. When qualifying for a Large Family Child Care License or a position at the Large Family Child Care Home, the Licensee and staff members may, when applicable, use college/university credits based on specific topic areas/titles, substitutions for college/university credits, or other training that is demonstrated to be equivalent to a particular qualification in these Rules all as approved or accepted by the Office of Child Care Licensing.
  - A. Other topic areas related to the needs of school-age children served shall be considered when providing child care for that age group only.

## **LICENSEE**

141. The Licensee shall:
  - A. Be at least twenty-one (21) years of age; have at least a high school diploma or its equivalent;
  - B. Have at least twenty-four (24) months of experience working with children in a group setting;
  - C. Have at least a high school diploma or its equivalent; and
  - D. Have an understanding of and respect for children and their needs and for a child's family and culture, including, but not limited to, meeting children's physical needs such as feeding and diapering, supervising children's activities, supporting children's physical, intellectual, social and emotional growth, dealing with emergencies in a calm manner and carrying out methods of positive behavior management as stipulated in these Rules.
142. The Licensee shall serve as or appoint a person to serve as Large Family Child Care Provider of the Large Family Child Care Home.
143. The Licensee shall be considered a staff member and actively involved if present at the

Large Family Child Care Home during the hours of operation for seven (7) or more hours per week and is required to follow all Rules concerning a staff member of a Large Family Child Care Home.

144. The Licensee shall only count toward staff/child ratios if fully qualified as at least a Large Family Child Care Assistant as described in Rule #149 when not left alone with children or in Rule #150 when left alone with children.

#### **ADMINISTRATIVE TRAINING**

145. The Licensee or Large Family Child Care Provider of a Large Family Child Care Home licensed on or after the effective date of these Rules shall have at least nine (9) clock hours of training related to the administrative duties such as human resources/personnel and fiscal for operating a Large Family Child Care Home or early care and education or school-age care facility unless such duties are not the responsibility of the Licensee or Large Family Child Care Provider.
- A. A written plan approved by the Office of Child Care Licensing shall be required if such duties are not the responsibility of the Licensee or Large Family Child Care Provider. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Any changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.

#### **LARGE FAMILY CHILD CARE PROVIDER**

146. The Licensee shall ensure that the Large Family Child Care Provider is at least twenty-one (21) years of age; has at least twenty-four (24) months of experience working with children in a group setting; has at least a high school diploma or its equivalent; and successful completion of at least one of the following qualifications:
- A. "Training for Early Care and Education 1 and 2";
- B. A Child Development Associate Credential (CDA) that is kept valid/current;
- C. Delaware Department of Labor's Early Childhood Apprenticeship Program;
- D. A high school diploma from a vocational/technical high school three (3) year program in early childhood education approved by Delaware's Department of Education;
- E. Nine (9) college/university credits – three (3) in early childhood education, three (3) in child development, and three (3) in positive behavior management;
- F. One (1) year early childhood diploma program from a two (2) year college;
- G. An Associate degree from an accredited college or university and six (6) college/university credits of child development or early childhood education; or
- H. Training that is demonstrated to be equivalent as approved or accepted by the Office of Child Care Licensing.

#### **LARGE FAMILY CHILD CARE PROVIDER - INFANT AND TODDLER CARE TRAINING**

147. The Licensee shall ensure that prior to accepting and caring for one (1) or more infant(s) and toddler(s), as described in Rules #166 and 167, the Large Family Child Care Provider has completed a minimum of six (6) clock hours of training as accepted or approved by the Office of Child Care Licensing in infant/toddler child development.

#### **LARGE FAMILY CHILD CARE ASSISTANT**

148. The Licensee shall ensure that the Large Family Child Care Assistant is at least eighteen (18) years of age; and has a high school diploma or its equivalent.

**LARGE FAMILY CHILD CARE ASSISTANT – NO PREVIOUS EXPERIENCE OR TRAINING**

149. The Licensee shall require the Large Family Child Care Assistant without experience or training to remain under the supervision and direct observation of the Large Family Child Care Provider - not be left alone with a child or group of children at any time – and receive at least the following training within six (6) months of the date of hire:
- A. Proof of completing First Aid course and current certification in CPR. The First Aid and CPR training shall be applicable to any of the ages of the children enrolled in the Large Family Child Care Home at any given time; and
  - B. *Delaware First's* Introduction to Early Care and Education;
  - C. *Delaware First's* Child Development;
  - D. *Delaware First's* Introduction to Family Child Care; or
  - E. Training that is demonstrated to be equivalent as approved or accepted by the Office of Child Care Licensing.

**LARGE FAMILY CHILD CARE ASSISTANT - WITH EXPERIENCE AND TRAINING**

150. The Licensee shall require the Large Family Child Care Assistant with training and experience to be under the supervision but not always under the direct observation of the Large Family Child Care Provider - may be left alone with a child or group of children – and have at least six (6) months of previous experience working with children in a group setting; a high school diploma or its equivalent; and successful completion of at least the one of the following trainings:
- A. Sixty (60) clock hours of training as divided into the following early care and education core topic areas: Child Development - fifteen (15) hours; Developmental Curriculum Planning – twelve (12) hours; Positive Behavior Management – twelve (12) hours; Health – three (3) hours; Safety – three (3) hours; Nutrition – three (3) hours; Families – six (6) hours; and Professionalism - six (6) hours;
  - B. *Training for Early Care and Education 1*;
  - C. A high school diploma from traditional high school's career pathway program in early childhood as recognized by the Office of Child Care Licensing;
  - D. Three (3) college/university credits in early childhood education or child development when caring for children preschool-age or younger, and/or elementary education or school-age care topics when caring for children kindergarten age and older; or
  - E. Training that is demonstrated to be equivalent as accepted or approved by the Office of Child Care Licensing.

**VOLUNTEER**

151. The Licensee shall ensure that a volunteer is at least eighteen (18) years of age and, when not considered a staff member, is always under the supervision of the Large Family Child Care Provider and direct observation of at least the Large Family Child Care Assistant who is qualified as specified in Rules #148 & 150 to be alone with children.
152. The Licensee shall ensure that a volunteer counting toward the staff/child ratio is:
- A. Required to follow all Rules concerning a staff member;
  - B. Qualified as at least a Large Family Child Care Assistant as specified in Rules #148 & 149 if not left alone with children or Rules #148 & 150 if left alone with children; and
  - C. Present during the hours of operation for at least seven (7) or more hours per week.

### **FIRST AID AND CPR TRAINING**

153. The Licensee shall ensure that staff members, and Substitute used for non-emergency situations as stated in Rules #174D & 175, shall have:
- A. Proof of current First Aid training or First Aid training every three (3) years if there is no expiration date;
  - B. Remain currently certified in cardiopulmonary resuscitation (CPR) throughout the licensure; and
  - C. The First Aid training and CPR certification shall be applicable to any of the ages of the children enrolled in the Large Family Child Care Home at any given time.

### **PERSONNEL FILES**

154. The Licensee shall have a personnel file for each staff member that includes the following information:
- A. Name, date of birth, home address and telephone number;
  - B. Date of employment or volunteer start date;
  - C. Initial application form;
  - D. Reference letters;
  - E. Release of employment history form, Service Letters obtained and/or pertinent documentation;
  - F. Documents attesting to professional development plans and qualifications;
  - G. Written records of required medical examinations and tuberculosis testing;
  - H. A statement signed by the staff member stating his or her status relative to any conviction, current indictment, or substantial evidence of involvement in any 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 any case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in any other State or Country.
  - I. Verification of fingerprinting form;
  - J. Release form and verification of adult abuse registry check;
  - K. If transporting children, a copy of a current driver's license;
  - L. Copy of job description;
  - M. Orientation form that includes written documentation that the information as required in Rule #157 was initially and periodically reviewed;
  - N. Record of attendance at training regarding annual training hours and/or meeting qualifications; and
  - O. Date of termination.

### **PERSONNEL POLICIES**

155. The Licensee shall have written personnel policies and practices and make them available to the staff member.
- A. These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension and lay-off of the staff member in accordance with applicable laws.

- B. A statement signed by the staff member on the orientation form shall confirm the review of relevant personnel policies and practices and has had the opportunity to ask questions and receive clarification.
156. The Licensee shall have a written job description for every staff member's job position at the Large Family Child Care Home

#### **ORIENTATION FOR STAFF MEMBERS**

157. The Licensee shall document that staff members has been given an orientation training session with the opportunity to ask questions and receive clarification at the beginning of employment at the Large Family Child Care Home and periodic updates as information is revised on the following:
- A. Emergency and evacuation procedures;
  - B. Policies on positive behavior management, routine and emergency health care, child accident and injury procedures, administration of medication, child care, goals and program for children, recordkeeping, family involvement, safety and sanitation procedures, nutrition and food safety, safe sleeping practices and risk reduction of Sudden Infant Death Syndrome (SIDS), transporting children (if applicable), and release of children;
  - C. Personnel and administrative policies;
  - D. Child abuse and neglect law and reporting requirements and procedures to report abuse and neglect;
  - E. Recognition of the symptoms of childhood illnesses, including reportable communicable diseases, child abuse, sexual abuse and neglect;
  - F. Information on any other Federal or State Laws or regulations applicable to children and families in child care including non-discrimination; and
  - G. Applicable licensing Rules and the location of a copy of the complete Rules shall be made available at the Large Family Child Care Home to review whenever requested.

#### **CHILD ABUSE AND NEGLECT**

158. The Licensee shall provide each staff member of the Large Family Child Care Home with written information governing the reporting provision (as mandated reporters) of the Delaware child abuse and neglect law(s) and regulations, policies and procedures for reporting and documenting suspected abuse and neglect, and maintain on file written documentation of their receipt of this information.
159. The Licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.
160. The Licensee shall develop, adopt, follow and maintain on file written policies and procedures for handling any incident of suspected child abuse or neglect which occurs while a child is enrolled at the Large Family Child Care Home. The policies and procedures shall contain provisions specifying that:
- A. The Licensee and/or staff members shall immediately report the suspected abuse or neglect as required by Law;
  - B. The Licensee shall immediately take remedial action to protect children from harm;
  - C. The Licensee shall take long-term 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 Large Family Child Care Home;
  - D. The staff member alleged to have perpetrated an incident of child abuse or neglect

shall not have direct contact with any child, or be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed; and

- E. The Licensee shall take disciplinary action, up to and including termination as required by Rules #115, 118 and 119 and by Law, against any staff member who has committed an act of child abuse or neglect.

### **STAFF TO CHILD RATIOS**

- 161. The number of children or total capacity of a Large Family Child Care Home shall not exceed twelve (12) children preschool-age or younger.
- 162. The children, including foster care children, preschool-age or younger, living in the Large Family Child Care Home shall count toward the total capacity.
- 163. The school-age children, including foster care children of that age, living in the Large Family Child Care Home shall not count toward the total capacity if attending a public or private school outside of the Family Child Care Home.
- 164. Staff member(s)' child(ren) of any age at the Large Family Child Care Home shall count toward the total capacity.
- 165. Age distributions of children preschool-age or younger and the addition of other school-aged children that do not live in the Large Family Child Care Home shall be determined as follows:
- 166. A Type One (1) Large Family Child Care Home shall be licensed to provide child care as follows:
  - A. Total of twelve (12) children preschool-age or younger, of whom no more than four (4) children are under the age of twenty-four (24) months, and no more than two (2) children are under the age of twelve (12) months; and a total of two (2) additional school-age children;
- 167. A Type Two (2) Large Family Child Care Home (Infant/Toddler Home) shall be licensed to provide child care as follows:
  - A. Total of twelve (12) children preschool-age or younger. If more than five (5) children are under the age of twenty-four (24) months, a second Large Family Child Care Assistant (or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall be present.
    - i. If the Licensee intends to seek approval as a Type Two (2) (Infant/Toddler Home), at least twenty (20) clock hours of training shall be completed by the Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) in the areas of infant/toddler development and curriculum, and health, safety, and nutrition issues specifically related to infants/toddlers.
    - ii. Care for school-age children and additional children of any age due to a change of shift shall not be permitted in a Type Two (2) Large Family Child Care Home (Infant/Toddler Home).

### **CHANGE OF SHIFT RATIO**

- 168. The Licensee may provide child care for up to two (2) additional children, only during the two (2) hour period of time overlapping between two (2) full (at least eight (8) hours per

shift) shifts. Before/after school child care shall not be provided when caring for additional children during a change of shift. At no time shall the number of children younger than twenty-four (24) months of age exceed the infant/toddler capacity as specified in Rules #166-167. The Licensee shall notify the Office of Child Care Licensing in writing of the specific children and times involved in the change of shift situation.

### **NIGHT CHILD CARE RATIO**

169. The Licensee shall provide child care for no more than twelve (12) children of any age when providing night child care in the evening or overnight. This includes children preschool-age or younger living in the Large Family Child Care Home. Additional restrictions on the number of children in night child care may apply based on State Fire Marshal regulations or zoning.
- A. The Licensee shall ensure staff members remain awake at all times children are in child care.

### **USE OF A SUBSTITUTE**

170. The Licensee shall have an arrangement with a Substitute, who is at least eighteen (18) years of age, available to assist in emergency and limited non-emergency situations when the Large Family Child Care Provider or Large Family Child Care Assistant is unavailable.
171. The Licensee shall ensure the name, address and telephone number of the Substitute shall be provided to the Office of Child Care Licensing and shall be posted with other emergency numbers in the Large Family Child Care Home.
172. The Licensee shall document on the form provided by the Office of Child Care Licensing that the Substitute is oriented to these Rules and the policies and procedures of the Large Family Child Care Home and has had the opportunity to ask questions and receive clarification before providing child care.
173. The Licensee shall provide and review written information on safe sleeping practice, risk reduction of Sudden Infant Death Syndrome (SIDS), and child abuse and neglect reporting with the Substitute before he/she provides child care.
174. The Licensee shall ensure the use of a Substitute providing child care in the Large Family Child Care Home in the absence of the Large Family Child Care Provider or Large Family Child Care Assistant is permitted for the following situations and do not require the prior notification to and approval of the Office of Child Care Licensing:
- A. Emergencies;
- B. Medical appointments;
- C. School appointments; or
- D. Time off for up to one (1) full week.
175. The Licensee shall ensure the use of a Substitute in the Large Family Child Care Home and is permitted for the following circumstances and requires prior notification (see Rule #98) to and approval from the Office of Child Care Licensing:
- A. Training/classes held for three (3) or more sessions, student teaching, internship or practicum all related to early care and education and/or school-age care or related field;
- B. Time off for more than one (1) full week with child care provided in the Large Family Child Care Home in the absence of the Large Family Child Care Provider or Large Family Child Care Assistant; or

- C. Medical or maternity leave for more than one (1) full week with child care provided in the Large Family Child Care Home and the Large Family Child Care Provider or Large Family Child Care Assistant remaining in attendance at the Family Child Care Home.
176. The Licensee shall inform the parent(s)/guardian(s) in advance whenever a Substitute will be caring for their children unless an emergency situation does not allow time for notification. This notification shall include the identity of the Substitute.

**STAFFING**

177. The Licensee shall ensure that the Large Family Child Care Home has at least one (1) staff member who meets the qualifications for the position of Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules).
178. The Licensee shall ensure that a staff member who meets the qualifications of the Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) is present at the Large Family Child Care Home at least seventy-five percent (75%) of the hours of operation.
179. The Licensee shall ensure that the Large Family Child Care Home has at least one (1) staff member who meets the qualifications for the position of Large Family Child Care Assistant (or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules).
180. The Licensee shall ensure that a Large Family Child Care Provider and a Large Family Child Care Assistant (or Caregiver and Assistant Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) are present at the Large Family Child Care Home when more than six (6) children are in attendance, or when there are more than four (4) children under the age of twelve (12) months.
- A. Two (2) Large Family Child Care Assistants (or Associate Caregivers for Large Family Child Care Homes licensed before the effective date of these Rules) may be present at the Large Family Child Care Home when more than six (6) children are in attendance, or when there are more than four (4) children under the age of twelve (12) months for no more than twenty-five percent (25%) of the hours of operation.
181. The Licensee shall ensure that staff members are responsible for the supervision of children in child care at all times.

**DAILY ATTENDANCE OF STAFF**

182. The Licensee keep a written record of the daily schedule of the staff members, including their position titles, and their exact hours worked throughout the hours of operation of the Large Family Child Care Home.

**ANNUAL TRAINING AND PROFESSIONAL DEVELOPMENT PLAN**

183. The actively involved Licensee, Large Family Child Care Provider, and Large Family Child Care Assistant (or Caregiver or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall successfully complete at least fifteen (15) hours of annual training accepted or approved by the Office of Child Care Licensing. Topics shall include the following core areas: Child Development; Developmental

Curriculum Activities or Planning; Caring for Children with Special Needs; Positive Behavior Management; Health & Safety; Nutrition; Family/Community; Professionalism; and Business Practices/Administration.

184. The Licensee shall ensure that staff members complete annual training during the time period beginning at the start date and ending at the expiration date of the License. Training in First Aid and CPR shall not count toward the annual training requirement.
185. The actively involved Licensee, Large Family Child Care Provider, and Large Family Child Care Assistant (or Caregiver or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall develop a Professional Development Plan that includes:
  - A. Annual goals for professional development;
  - B. A description of how annual trainings are related to the goals;
  - C. Progress made toward the goals; and
  - D. All training completed during the time period including copies of training certificates and/or proof of successful completion of the training.

#### **ENROLLMENT**

186. The Licensee shall ensure any parent/guardian who is inquiring about or planning to enroll a child in the ~~LFCCH~~ Large Family Child Care Home is provided with information detailing his or her right to inspect the active record, complaint files, procedures for making complaints, and knowledge finding the Rules concerning a Large Family Child Care Home as described in *The Parents Right to Know Act* and included in the "Licensing Information for Parents" as furnished by the Office of Child Care Licensing. The Licensee shall ensure written verification that each parent/guardian has received this information by keeping the signed document in the child's file.
  - A. A copy of the signed document shall be given to the parent(s)/guardian(s).
  - B. In the event that the parent(s)/guardian(s) do not enroll the child, the signed document shall be kept on file as proof of providing the information.

#### **PARENT(S)/GUARDIAN(S) COMMUNICATION**

187. The Licensee shall ensure the use of an organized system of respectful communication with parent(s)/guardian(s) that incorporates written policies regarding parent(s)/guardian(s)' communication including strategies to encourage parent(s)/guardian(s)' involvement in the Large Family Child Care Home as follows:
  - A. Assurances that parent(s)/guardian(s)' visits and monitoring of the Large Family Child Care Home are welcomed;
  - B. Assurances of nondiscrimination and respect for each child's family and culture;
  - C. Consultation with parent(s)/guardian(s) about child care practices specific to their children's culture and community, and provide as much consistency as possible in their child care practices especially concerning infants and toddlers.
  - D. Assurances that parent(s)/guardian(s) are of primary importance in children's development;
  - E. A procedure for learning about parent(s)/guardian(s) preferences and goals and any concerns or special circumstances that may influence the child's development and learning;
  - F. A statement describing how developmental and education goals for children will be addressed;
  - G. A typical daily schedule of programs and activities at the Large Family Child Care Home;

- H. When applicable, information about procedures used to assess children's accomplishments and needs, and when there are concerns, to refer parent(s)/guardian(s) for additional help in the community;
  - I. Multiple opportunities for involvement of all parent(s)/guardian(s) that includes an awareness of the diversity of families enrolled especially concerning cultural and language differences and the ability for parent(s)/guardian(s) to participate communicating in their native language whenever possible;
  - J. A procedures for a minimum of one (1) parent(s)/guardian(s)' meeting annually with the Large Family Child Care Provider to share information about the child's progress and development; and
  - K. A written explanation of policies on positive behavior management, food service, safety and sanitation, release of children, routine and emergency health care, health exclusions, outbreak of communicable disease, reporting of accidents or critical incidents, mandatory reporting of child abuse and neglect, and when applicable, administration of medication and transporting children.
188. A Licensee shall ensure that parents/guardians have free access to areas of the Large Family Child Care Home used for child care while their children are in child care.

#### **CHILD FILE**

189. The Licensee shall ensure that an individual file for each child enrolled is maintained. The information in the file shall be obtained upon enrollment and updated at least annually or upon known changes to the information. The file shall contain the following information:
- A. The child's full name, address, telephone number, and birth date;
  - B. Home and work addresses and telephone numbers of parent(s)/guardian(s);
  - C. Date of enrollment and hours/days child is scheduled to attend the Large Family Child Care Home;
  - D. Name, address and telephone number of emergency contact person;
  - E. Name of person(s) designated by parent(s)/guardian(s) to whom the child may be released; and
  - F. The name and phone number of the child's health care provider, health appraisal reports and health insurance and policy number for the child;
  - G. A written statement signed by the parent(s)/guardian(s) describing any special problems, medical, developmental, or educational needs of the child including allergies, existing illnesses, or injuries, previous serious illness or injuries and any prescribed medication including those for both continuous, long-term and emergency situations;
  - H. Written consents signed by parent(s)/guardian(s) special dietary needs, emergency medical treatment, release of child, swimming activities and when applicable, administration of medication and permission for transporting the child on a routine or field trip basis;
  - I. If provided by the parent(s)/guardian(s) for a child who has been identified as having a disability or special need, copies of IEP, IFSP and Section 504 plan, and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals special services;
  - J. If provided by parent(s)/guardian(s), copies of court orders on custody and visitation arrangements;
  - K. "Licensing Information for Parents" form containing the Parents' Right to Know information signed by the parent(s)/guardian(s); and
  - L. Reports of accidents, injuries or illnesses involving the child.
190. The Licensee shall ensure that emergency information about the child is kept accessible at all times and such information will accompany the child any time taken off-premises of the Large Family Child Care Home. This information shall include copies of the same

information in the child's file except for the following:

- A. Date of enrollment and hours/days child is scheduled to attend the Large Family Child Care Home;
  - B. If provided for a child who has been identified as having a disability or special need, copies of IEP, IFSP and Section 504 plan, and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals special services;
  - C. "Licensing Information for Parents" form containing the Parents' Right to Know information signed by the parent(s)/guardian(s); and
  - D. Reports of accidents, injuries or illnesses involving the child.
191. The Licensee shall ensure that any information pertaining to an individual child or family is not disclosed or permitted to be used unless the parent(s)/guardian(s) of the child has granted written permission to do so, except by any authorized representative(s) of the Office of Child Care Licensing, Division of Family Services, or other entities with statutory responsibility for issues relating to the health, safety and protection of children.

#### **DAILY ATTENDANCE OF CHILDREN**

192. The Licensee shall ensure that daily attendance records are kept for children which identify the hours of the children's attendance each day.
193. The Licensee shall ensure a system is established for taking attendance when the children arrive and depart the Large Family Child Care Home and periodically throughout each day to ensure the whereabouts of children in attendance at any given time.

#### **RELEASE OF CHILDREN**

194. The Licensee shall ensure that children are only released to persons authorized by the parent(s)/guardian(s) to receive the child.
195. The Licensee shall have and use written policy and procedures for the release of children including:
- A. Ensuring documentation of the release of the child from the responsibility of the staff members to an authorized person;
  - B. Procedures for emergency release of children as individually requested by parent(s)/guardian(s);
  - C. Procedures regarding the release of the child to any person not known to the staff members;
  - D. Procedures for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian; and
  - E. Procedures to be followed when a person not authorized to receive a child, or a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child.
196. The Licensee shall have a procedure to verify the identity of any individual receiving a child prior to releasing the child when that person is not known to the staff members and keep written documentation of such verification for at least twenty-four (24) hours.
197. The Licensee shall ensure that when a parent/guardian calls the Large Family Child Care Home requesting emergency release of a child, the identity of the parent/guardian is verified prior to the release of the child.

