

NOTE: This is the proposed draft for *Delacare: Regulations for Early Care and Education and School-Age Centers* with all deleted text removed. This draft is being offered for public comment prior to a draft being submitted to the Register of Regulations when another period of public comment will occur.

To facilitate comparisons to the current regulations, regulation numbers from the current *Delacare* center regulations were kept in this draft; as a result numbering of regulations in this draft may not always be sequential. The document, when finalized, will be renumbered appropriately.

Underlined text indicates text newly added to the draft.

Black text that is highlighted in blue indicates an incorrect regulation number is shown. The correct number will be inserted when the draft is renumbered.

DRAFT

## DELACARE

### REGULATIONS FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS

#### INTRODUCTION

##### LEGAL BASE

1. The legal base for these licensing regulations is in the Delaware Code, Title 31, Welfare, Part I, 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 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 through participation in Delaware Stars for Early Success or the Licensee's own initiative.

#### PART I. GENERAL PROVISIONS

##### DEFINITION OF REGULATED SERVICE

3. Early Care and Education and School-Age Centers provide care, education, protection, supervision, or guidance for thirteen (13) or more children, including children who are related to the operator. Service is provided on a regular basis for periods of less than twenty-four (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, early care and education, early childhood education, preschool, nursery school, extended care, extended day care, extended child care, independently operated kindergartens, before and /or after school care, school-age center, school-age care, out of school care, school's out care, school vacation/holiday care, and summer child care.

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

5. The following facilities that operate for less than twenty-four (24) hours per day shall be exempt from licensure under these regulations:

- A. Camps issued permits by the Division of Public Health;
- B. Summer schools or classes for religious instruction conducted by religious institutions during summer months for periods not to exceed four (4) weeks;
- C. Programs established in connection with a business, recreation center, or religious institution in which children are provided care for brief periods of time, while parents/guardians are on the premises, are readily accessible at all times on an on-call basis, and are able to resume control of the child immediately;
- D. Programs that offer activities for children over the age of six (6) 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(s)/guardian(s) for the program to assume responsibility for the care of the child;
- E. Programs that offer care on an ad hoc, sporadic, and isolated basis in order to meet an emergency or special need; or
  - F. Any public or private school that provides regular and thorough instruction through at least the sixth (6) 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 Delaware Code, Title 14, Chapter 27, Subchapter I, Subsection 2704. This exclusion shall include all programs operated by such schools and shall also include preschool education programs for persons with disabilities as defined by Delaware Code, Title 14, Chapter 31, Subchapter I, Subsection 3101 (4).

XXX. 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 Office of Child Care Licensing. Anyone who violates a provision of Delaware Code, Title 31, Chapter 3, Subchapter III, known as The Delaware Child Care Act, may be fined not more than \$100 or imprisoned not more than 3 months, or both.

A. To maintain licensure, Licensees must comply with these regulations and applicable provisions of Delaware Code. Failure to do so may result in a correction plan and/or enforcement action, such as warning of probation, probation, suspension, revocation, and denial of a license. Decisions of the Office of Child Care Licensing may be appealed by the Licensee requesting a hearing within 10 days of notification of the pending enforcement action.

## DEFINITION OF TERMS

**XXX. “Administrator”** means the individual responsible for the supervision and administration of the Office of Child Care Licensing.

9. **“Adult”** means a person who has reached his or her eighteenth (18) birthday.

**XXX. “Agreement of Understanding”** means a formal written document that is part of an administrative action plan or part of a corrective action plan or used when deemed necessary.

10. **“Applicant”** means an individual, agency, corporation, or partnership applying for a license that is obtained from the Office of Child Care Licensing.

**XXX. “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, or any other checks as required by State or Federal law.

**XXX. “Business Day(s)”** means any weekday Monday through Friday but not including the weekend (Saturday and Sunday) nor a State of Delaware legal holiday that falls on a weekday.

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

12. **“Certified Child Care Health Consultant”** means an independent contractor who has completed the National Training Institute for Child Care Health Consultant Training and is trained to assist early care and education and school-age centers with health and safety issues.

13. **“Child”** means a person who has not reached the age of eighteen (18) years.

14. **“Child Abuse”** means any physical injury to a child by those responsible for the care, custody, and control of the child through unjustified force as defined in Delaware Code, Title 11, Chapter 4, Subsection 468 or through emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment, or mistreatment as defined in Delaware Code, Title 16, Chapter 9, Subchapter I, subsection 902.

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

XXX. “Child Care Licensing Specialist” also known as “Licensing Specialist” means an employee of the Office of Child Care Licensing who is responsible for performing regulatory activities including monitoring, investigation, enforcement actions, and decisions for licensure as set forth in Delaware Code and these regulations.

XXX. “Child Care Licensing Supervisor” also known as “Licensing Supervisor” means an employee of the Office of Child Care Licensing 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.

15. **“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 Delaware Code, Title 16, Chapter 9, Subchapter I, Subsection 902.

16. **“Child Sex Abuse”** means any act against a child that is described as a sex offense or child exploitation as defined in Delaware Code, Title 11, Chapter 85, Subchapter IV, Subsection 8550 and Chapter 5, Subchapter II (Subpart D) and Subchapter V or any other applicable code.

17. **“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 modifications in the regular program of activities for that child at a center or as defined by applicable Federal and State laws.

18. **“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.

20. **“Complaint Investigation”** means the process followed by the Division to investigate effectively accusations that a Licensee is not in compliance with these Regulations or any applicable law

XXX “Core Topic Areas or Core Areas” are defined as child/youth development; environment and curriculum; social emotional development (positive behavior management); observation and assessment; health, safety, and nutrition; family and community; professionalism; and management and administration.

21. **“Corrective Action Plan”** means a written document listing non-compliances that must be corrected, how they must be corrected, and the date by which they must be corrected.

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

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

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

25. **“Direct Child Care”** means the providing of care, education, protection, supervision, or guidance of children.

26. **“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 and/or staff, and are alert to any problems that may occur.

27. **“Direct Voice Contact”** means a Licensee is required to speak directly with a Licensing Specialist, Licensing Supervisor, or Administrator from the Office of Child Care Licensing through a phone call or face-to-face contact. When direct voice contact is required, leaving a voice mail message is not acceptable.

28. **“Division”** means the Division of Family Services within the Department.

XXX. **“Division Director”** means the Director of the Division of Family Services.

XXX **“Due Process”** means the established procedure(s) designed to safeguard the rights of a Licensee.

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

30. **“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 and/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.

XXX. **“Early Childhood Aide”** means a staff member as described in these regulations 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.

31. **“Early Childhood Assistant Teacher”** means a staff member as described in these regulations 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 the Early Childhood Intern, Early Childhood Aide, Volunteers, and Substitutes and meets the qualifications specified in these regulations.

32. **“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 at that same Center, and who 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 the Early Childhood Intern, Early Childhood Aide, Volunteers, and Substitutes and meets the qualifications specified in these regulations.

33. **“Early Childhood Curriculum Coordinator”** means a staff member who works under the supervision of the Early Childhood Administrator and is immediately 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 and/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.

**XXX. “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 or Associate degree from a regionally accredited college/university. This individual is immediately 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 and/or monitors implementation of curriculum and daily activities for children at the Center. He/She 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

34. **“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, can never to alone with children, and meets the qualifications specified in these regulations

35. **“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

**XXX. “Enforcement Action”** means an administrative action or group of actions taken to promote compliance, such as Warning of Probation, Probation, Suspension, Denial, and Revocation of a license.

**XXX. “Experience”** means the practical knowledge, skill, or practice derived from documented direct participation in working with children birth through second grade in a group setting.

36. **“Family”** means a biological or adoptive father or mother, but may be interpreted broadly to include any 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.

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

38. **“Governing Body”** means the person or group of persons with ultimate responsibility for and authority over the operation of a Center, as for example, an owner(s) or Board of Directors.

39. **“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.

40. **“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 (nurse practitioners), and physician assistants.

41. **“Individualized Educational Program”** (IEP) means a document written at least yearly about the required services and education program for a child three (3) years of age or older with an identified disability.

42. **“Individualized Family Service Plan”** (IFSP) means a document written at least yearly about the required services for an infant or toddler (ages 0-2 years) with an identified disability.

43. **“Infant”** means a child who is less than one (1) year old.

45. **“Institutional Abuse”** means a child is the subject of abuse or neglect as defined in 40 Delaware Code, Title 10, Chapter 9, Subsection 901 while in an out of home setting such as a child care center.

46. “License” means the document issued by the Office of Child Care Licensing granting authority to a Licensee at the Center’s location to operate under applicable State Laws.

XXX. “License Extension” means the process by which the period of an annual License is lengthened by an additional thirty (30) days because all conditions to issue an annual license have not been met and are not in the control of the Licensee.

47. **“Licensee”** means the entity legally responsible for a licensed Center.

XXX. “Licensure” means the issuing of a child care license by the Office of Child Care Licensing when the Applicant has demonstrated compliance with these regulations and applicable codes, regulations, and laws.

49. **“Meal”** means breakfast, lunch, or dinner.

50. **“Night Care”** means care for any child between the hours of 8:00 p.m. and 6:00 a.m. when the period includes any portion of the child’s normal sleeping hours.

51. **“Office of Child Care Licensing”** means the organization within the Department authorized under Delaware Code, Title 31, Chapter 3, Subchapter III, 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.

52. **“Owner”** means the person(s), firm, partnership, association, organization, corporation, or governmental entity with legal and/or fiscal responsibility for and authority over the operation of the Center.

53. **“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.

54. **“Preschool-Age Child”** means a child three (3) through 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 pre-school age group until attending kindergarten or first grade, whichever comes first.

XXX. **“Probation”** means a written notice of a specific enforcement action, 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.

55. **“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.

56. **“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 (1) day in any one (1) week.

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

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

XXX. **“Routine Program Outing”** means an activity regularly occurring for children that appears on the 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.

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

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

59. **“Section 504 Plan”** means a document describing accommodations provided to a child to ensure full participation at the Center.

60. **“School-Age Administrator”** means a staff member of a School-Age Center as described in these regulations 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 and/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.

XXX. **“School-Age Aide”** means a staff member of a School-Age Center as described in these regulations 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 Assistant, has not completed the approved training required for the position of School-Age Intern, can never to alone with children, and meets the qualifications specified in these regulations..

61. **“School-Age Care”** means care, education, protection, supervision, or guidance for school-age children before and/or after school, during school holidays, and/or during summer months.

62. **“School Age Center”** means a Center that exclusively provides care for school-age children.

63. **“School-Age Child”** means a child five (5) years of age or older or who is attending kindergarten or a higher grade. A child shall be considered school-age for staff/ child ratio purposes beginning the first day attending kindergarten or first grade whichever comes first.

64. **“School-Age Intern”** as described in these regulations 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, under the direct observation of at least a School-Age Site Assistant meets the qualifications specified in these regulations, and can never to alone with children.

65. **“School-Age Site Assistant”** as described in these regulations 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.

66. **“School-Age Site Coordinator”** as described in these regulations 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.

XXX “Service Letters” as required by the Delaware Department of Labor, 19 Delaware Code, § 708, shall be sent to an employee’s current or last employer and previous child care and health care employers for the past five (5) years within five (5) days of hire.

67. **“Snack”** means supplemental food served between meals.

68. **“Staff or Staff Member”** means any full- or part-time employee of a Center including all substitutes and any volunteer working over five (5) days or 40 hours a year,

XXX. “Standards Complaint” means the oral or written accusation that a Center is not in compliance with these regulations.

69. **“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 and when necessary, under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant.

XXX. “Supervised Experience” means successful completion of the process specified by the Office of Child Care Licensing to reduce the amount of experience required to qualify for designated Early Care and Education and School-Age Center or School-Age Center positions. A staff member must demonstrate during the designated period of continuous employment at a single licensed Delaware Early Care and Education and/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, where appropriate, whole groups of children.

Demonstration must occur under the formal documented supervision of a qualified Early Childhood Administrator or Early Childhood Curriculum Coordinator with a degree at a single licensed Delaware Early Care and Education and School-Age Center or under the supervision of a School-Age Administrator or School-Age Site Coordinator with a degree at a single licensed School-Age Center.

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

71. **“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 the *Delaware: Regulations for Early Child Care and Education and School-Age Centers*, 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

72. **“Suspension Order”** means a notice issued by the Office of Child Care Licensing 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.

73. **“Toddler”** means a child who is between the age of twelve (12) months and less than thirty-six (36) months of age.

74. **“Training”** means 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 competencies.

75. **“Variance”** means the nontransferable written authorization issued by the Division to use alternative means which meet the intent of the specific licensing regulation(s) and is based on the need(s) or circumstances(s) of the Center and does not endanger the health, protection or safety of children in care.

76. **“Volunteer”** means any person who provides an unpaid service or support to a Center. Volunteers 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 and, when necessary, under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant.

**XXX. “Warning of Probation”** means a written notice intended to alert the facility that it has committed or accumulated sufficient serious violations of licensing regulations which, if not promptly corrected, could lead to a recommendation to place the facility on Probation.

## **ISSUANCE OF A LICENSE**

78. To operate or maintain a Center, an agency, corporation, partnership, or individual must be issued a license. 87/83 This license remains the property of the Office of Child Care Licensing, is not transferable, assignable or subject to sale, and must be publicly displayed. (82) 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 Office of Child Care Licensing has determined compliance with these regulations and applicable provisions of Delaware Code.

## **AUTHORITY TO INSPECT**

79. An applicant or Licensee must allow access to the premises for announced and/or unannounced monitoring visits and complaint investigations and access to any document(s) relevant to determining regulation compliance by any authorized representative of the Office of Child Care Licensing, of another State agency, or any local building, fire or health agency for the purposes of determining compliance with applicable provisions of these regulations.

## **LICENSE FOR EACH CENTER SITE LOCATION**

84. A separate application shall be made for each Center site location except for a [85] center that operates in two (2) or more buildings at the same site location which shall have the option of applying for a single license for all buildings at the site location.

86. An agency or individual who operates an early care and education and/or school-age Center at a public or private school but is not employed by the school shall be required to apply for a license for each Center site location.

## **LICENSE RENEWAL**

100. A Licensee shall obtain, complete and submit an application for a license renewal to the Office of Child Care Licensing at least sixty (60) calendar days before expiration of Center's current license. (101) When a Licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the Office of Child Care Licensing makes a decision on the renewal application.

## **CHANGES AFFECTING A LICENSE**

105. The Office of Child Care Licensing shall determine whether to modify a current license or to require the Licensee to submit an application for a new license when (105A) there is a planned reduction, addition or substantial change in the indoor or outdoor spaces of the Center, (105B) a change in the name or capacity of the Center, or (105C) type of authorized regulated service occurs.

## **LICENSE SUSPENSION**

106/107. The Division may suspend a license for failure to comply with these regulations or any federal, state, or local law. A suspension order may be verbal or written and the Licensee shall cease operation as required by the Office of Child Care Licensing. Any verbal suspension order shall be followed by a written suspension order within three (3) business days. A written suspension order shall state the reason(s) for the enforcement action.

A. Within ten (10) business days after the issuance of the written order, the Licensee must relinquish the child care license (if applicable) to the Office of Child Care Licensing or request a hearing.

B. Within ten (10) business days of the request for a hearing, the Division Director or his/her designee shall schedule the hearing to determine if the enforcement action will continue. The hearing must be held within thirty (30) days of the initial request for a hearing or the enforcement action will take effect. Extensions of time and continuances beyond the times specified shall be granted by the designated hearing officer only for good cause shown.

## LICENSE DENIAL OR REVOCATION

108. The Division may deny an application or revoke a license to operate for failure to comply with these regulations or any federal, state, or local law. The Division shall notify the Licensee in writing of its intent to deny an application or revoke a license, stating the reason(s) for the enforcement action, and specify the Licensee's entitlement to appeal the decision and request a hearing.

A. Within ten (10) business days after the issuance of the written notice, the Licensee must relinquish the child care license (if applicable) to the Office of Child Care Licensing or request a hearing.

(B) Within ten (10) business days of the request for hearing, the Division Director or his/her designee shall schedule the hearing to determine if the enforcement action will continue. The hearing must be held within thirty (30) days of the initial request for a hearing or the enforcement action will take effect. Extensions of time and continuances beyond the times specified shall be granted by the designated hearing officer only for good cause shown.

(C) The licensee whose license has been revoked or applicant whose application has been denied may not apply for a license from the Office of Child Care Licensing within a five (5) year period from the date of revocation or denial.

111. If a Licensee requests an appeal hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered subsequent to the appeal hearing; except that the Office of Child Care Licensing 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.

112. If a Licensee does not make a timely request for an appeal hearing to appeal the decision in accordance with [Regulation #109](#) or does not request an appeal hearing, the action to deny or revoke a license shall take effect thirty (30) business 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, denial or revocation shall be effective immediately upon the issuance of a written notice by the Division.

## REGULATION VARIANCE

113. All regulations must be complied with in their entirety unless the Applicant or Licensee submits a written request for a regulation variance to the Office of Child Care Licensing and receives approval. The variance request must document 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 child care is not in serious or imminent risk or danger. If the Licensee fails to comply with the variance, the Division shall initiate necessary enforcement action.

## ADMINISTRATION AND ORGANIZATION

### NOTIFICATION TO THE OFFICE OF CHILD CARE LICENSING

117. A Licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) consecutive calendar days before (F) the anticipated closing of the facility or program, or (A) any changes of ownership, sponsorship, (B) location, (C) facility or program name, (E) licensed capacity, or (D) applicable type of regulated service being provided.

118. A Licensee shall notify the Office of Child Care Licensing within five (5) business days of the resignation or termination of the Early Childhood or School-Age Administrator.

119. A Licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact (followed by a written report on a form provided by the Office of Child Care Licensing) during the Office of Child Care Licensing's working hours in the event of:

Any fire, flood, or any other serious damage due to any natural or man-made disaster(s) that impact the ability to operate safely;
Injury of a child while in the care of a Center requiring inpatient or outpatient treatment;
Suspected abuse or neglect of a child while at the Center (after reporting the suspected abuse or neglect to the Child Abuse/Neglect Hotline, currently listed as 1-800-292-9582); or
Any known conviction(s) of a staff member including those which prohibit continued employment at the Center.

120. A Licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing'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/Neglect hotline (currently listed as 1-800-292-9582).

#### **GOVERNING BODY**

121. A Licensee shall have an identifiable owner and/or functioning governing body with responsibility for and authority over the operation of the Center. The owner or governing body shall designate a person to function as the Early Childhood or School-Age Administrator of the Center.

122. The owner or governing body of a Center shall ensure that the Licensee complies with all applicable local, State and Federal Laws and regulations.

123. A Licensee shall have an organized system of business management and sufficient staff, space, and equipment to fulfill, at a minimum, (A) administrative, (B) fiscal, (C) clerical, (D) cleaning and maintenance, (E) food services, (F) direct child care, and (G) supervisory functions.

#### **INSURANCE COVERAGE**

124. A Licensee shall secure and maintain on file written documentation of motor vehicle, fire and comprehensive general liability insurance, as required by State Law(s).

#### **RECORDS**

125. A Licensee shall maintain files and records applicable to licensing.

126. A Licensee shall keep daily attendance records for a minimum period of six (6) months for children identifying the hours of children's attendance each day.

A. A Licensee shall establish a system for taking attendance to ensure the whereabouts of each child in

attendance at any given time.

127. A Licensee shall keep a written record for a minimum period of six (6) months of the daily work assignment, position, and hours of all staff members to ensure the whereabouts of each staff member in attendance at any given time .

## ENROLLMENT

364. A Licensee shall ensure that the daily population at the Center is in accordance with any capacity restrictions on the Center's license.

365. A Licensee shall provide any parent(s)/guardian(s) who is inquiring about or planning to enroll a child into the Center with information detailing his or her right to inspect the active record and complaint files of the Center as described in Delaware Code, Title 31. As a part of the enrollment or application process, the Licensee shall require the parent(s)/guardian(s) to read and sign *The Parents Right to Know Act* form and keep the signed document on file at the Center.

- 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 for a minimum period of six (6) months as proof of presenting the information.

366. A child shall attend the Center only when the information listed in Regulation XXX is obtained from the parent(s)/guardian(s), placed in the child's on-site confidential file, and updated regularly.

367. A Licensee shall ensure that enrollment procedures involve a meeting with the parent(s)/guardian(s) and the child, if appropriate, to:

- A. Determine if the Center's program can effectively meet the child's developmental and educational needs, abilities, likes and dislikes, and to determine any accommodations or other planning needed to do so; and
- B. Provide an opportunity for the parent(s)/guardian(s) and child to observe the Center and program.

## RELEASE OF CHILDREN

412 & 412A. A Licensee shall provide to all parents/guardians of children in attendance, staff, substitutes, and volunteers, a copy of the written policies and procedures for the routine and emergency release of children that includes documentation of the release of the child from the responsibility of Center staff only to a person authorized by the parent or guardian.

## CHILD FILES

128. A Licensee shall have an on-site confidential file for each child at enrollment and (129) a procedure to ensure that all information supplied by parents/guardians is kept current and available to staff member(s) responsible for a particular child on a need-to-know basis that includes:

The child's first/last name, date of birth, address, and telephone number including parent(s)/guardian(s)' cell phone number(s) if applicable;
(366E/F/G) Parent(s)/guardian(s)' name(s), place(s) and hours of employment, and work phone number(s);
(B) Emergency telephone numbers for the parent(s)/guardian(s) and other designated person(s) while the child is in care;
(C) Name and telephone number of the child's health care provider;
(K/L) Health appraisal and immunization record (or notarized religious or medical exemption from immunization);
(D) Identifying information for all persons authorized to pick the child up from the Center;
(N) If applicable, relevant copies of court orders on custody and visitation arrangements provided by the parent(s)/guardian(s);
(E/F) Date of enrollment and hours/days child is scheduled to attend the Center;
(G/H) A statement of the child's medical, developmental, or educational special needs including copies of any IEP, IFSP and Section 504 plan if provided by the parent(s)/guardian(s) and information on any allergies, existing illnesses or injuries, previous serious illnesses or injuries, and any prescribed and non-prescription medication including those for both continuous, long-term and emergency situations;
(I/J) Written authorization(s) from parent(s)/guardian(s)' for: emergency medical treatment, release of child, and if applicable, special dietary needs, swimming activities, administration of medication, television and computer use, and permission for transporting the child on a routine or off-premises basis;
(M/L) Administration of medication records of a child and injury and illness records including copies of reports submitted to the Office of Child Care Licensing as required by these regulations; and
(O) Parent(s)/Guardian(s) signature forms as required by Federal, State, or local governments or the Office of Child Care Licensing, such as receipt of information specified in <i>The Parents Right to Know Act</i> .

## PERSONNEL FILES

130. A Licensee shall have a personnel file for each staff member including all substitutes, and volunteers working over five (5) hours a week or forty (40) days a year. This file shall be maintained onsite for at least six (6) months after employment/association terminates and shall include:

Personnel File Shall Include:
(A/C) <u>Personal data sheet or application containing the employee's name, date of birth, home address, telephone;</u>
(B) <u>Date of employment or volunteer start date, (O) termination date (as applicable);</u>
(D) <u>Two (2) reference letters;</u>
(E) <u>Release of employment history form, Service Letters obtained and/or pertinent documentation, or three (3) letters of reference if no previous employment;</u>
(F) <u>Professional development plan (not required for substitutes and volunteers);</u>

(N) Qualifications certification or qualifications documentation;
(130G/142A) Written records of required <u>health appraisal that includes verification of the employee's ability to perform essential job functions and conducted within one (1) year of hire date and submitted within the first month of employment;</u>
(142B) Written evidence on file within the first month of employment of freedom from communicable tuberculosis verified within one year prior to the date of initial employment at the Center, with further testing if there are specific concerns about the provider's health or in accordance with current guidelines of the <u>Delaware Division of Public Health (current website is <a href="http://www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf">www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf</a>).</u>
(H) A statement signed by the staff member stating the staff member's status relative to conviction, current indictment or involvement in any 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 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/J) Verification of fingerprinting form and 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) <u>Proof of Child Abuse and Neglect reporting procedures established by the center have been reviewed with employee;</u> (M) Orientation form that includes written documentation that the information as required <u>in these regulations</u> was initially and periodically reviewed; and
(N) Record of annual training hours.

## HUMAN RESOURCES

### PERSONNEL POLICIES

#### GENERAL

131/131A. A Licensee shall have written personnel policies and practices that at a minimum include procedures for hiring, discipline, dismissal, suspension, and lay-off of staff in accordance with applicable laws, and make them available to all staff and prospective staff.

#### GENERAL QUALIFICATIONS

134. 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.

136. A Licensee shall ensure that employment background checks and criminal record checks are conducted on all staff with fingerprinting by the Delaware State Police scheduled or completed prior to the first day of employment. (136A). Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted and may not be alone with children until the fingerprint verification receipt is received. Results of all

record checks shall be placed in the employee's file.

- A. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted. An employee not be alone with children until the fingerprint verification receipt is received.

137. 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.

138. A Licensee shall not employ or retain any person as a staff member who is prohibited or disqualified from working in child care in Delaware.

139/140. 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 or whose child or children are removed from his/her custody because of abuse or neglect.

141. A Licensee shall inform staff members that alcohol or other drug use that adversely affects essential job functions is unacceptable and of the prohibition of unlawful use, possession, manufacture, distribution of controlled substances or alcoholic beverages in the workplace.

#### **ADULT HEALTH REQUIREMENTS**

338. 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 any reportable communicable disease in accordance with Division's procedures; attendance of staff shall be under Public Health's direction.

#### **CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS**

145. A 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 in or out of the Center's care to comply with applicable laws.

#### **XXX. Allegations of Abuse or Neglect Against a Staff Member**

- A. 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 Center by a staff member; and
- B. Any 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;

## ORIENTATION

176. A Licensee shall document that all staff members, all substitutes, and volunteers working more than five (5) days or 40 hours a year have been given an orientation training session prior to working with children with the opportunity to ask questions and receive clarification and periodic updates as information is revised on their job function(s), child care licensing regulations (a copy of which shall be readily accessible to staff), and center policies on the following:

- A./B/C. Emergency, disaster, and evacuation plans and procedures; personnel and administrative policies; positive behavior management; safe sleep procedures; routine and emergency health care including health exclusions and recognition of the symptoms of childhood illnesses including reportable communicable diseases; 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; transporting children, if applicable; and release of children;
- D. Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and Center's procedures to report abuse and neglect;
- E. Recognition of the symptoms of childhood illnesses, including reportable communicable diseases; and
- F. Information on any Federal or State Laws or regulations applicable to children and families in care including non-discrimination.

## OWNER OF A CENTER

146/148. The Owner of a Center shall be considered an Active Owner and staff member if present at the Center during regular hours of operation for seven (7) or more hours per week and shall be required to follow all regulations concerning a staff member of the Center including completion of criminal background and adult abuse registry checks. Inactive Owners of a Center or those working less than seven (7) hours per week shall not be considered staff nor assume any direct child care duties and shall assign day-to-day operational responsibilities to an Early Childhood or School-Age Administrator.

## STAFF QUALIFICATIONS

XXX. A Licensee shall ensure that sufficient qualified staff as described in these regulations are hired and retained in order to meet requirements of these regulations. A copy of the qualifications certificate and letter of approval shall be maintained in the employee's file.

150/151 A. A licensee shall ensure that each staff member at a Center submits within thirty (30) days of hire, true and accurate written documentation to the Office of Child Care Licensing or its designee showing how the staff member is fully qualified for a particular position. Proof of qualifications, the qualifications certificate and letter of approval, shall be maintained in the employee's file. The Office of Child Care Licensing shall determine what education, training, or experience is acceptable as an equivalent to meeting stated qualifications. When applicable, credits from a regionally accredited college/university based on specific topic areas/titles may serve as a substitute for other equivalent training as approved or accepted by the Office of Child Care Licensing or its designee.

Supervised experience may be substituted for the required experience for designated positions and will reduce the amount of experience required by one-half.

### Early Childhood Administrator

153. A Licensee shall ensure that the Early Childhood Administrator of the Center is at least twenty-one (21) years of age and meets the following education and experience qualification:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College/University Credits</u> <sup>1</sup>	<u>Experience</u> <sup>2</sup>
<u>At least a Bachelor Degree or Associate Degree from a regionally accredited college or university</u>	<u>All areas of study</u>	<u>Fifteen (15) credit hours from a regionally accredited college/university with at least three (3) credit hours in child development/learning, environment/curriculum, social emotional development, and observation/assessment</u>	<u>Eighteen months (18) experience working with children ages birth through second grade in a group setting.</u>
<p><sup>1</sup> <u>Possession of an Administrator's credential issued by the Delaware Department of Education (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 (3) college/university credits.</u></p> <p><sup>2</sup> <u>Three (3) months supervised student teaching of children birth through second grade may substitute for six (6) months of the required experience.</u></p>			

(155). A Licensee shall ensure that the Early Childhood Administrator who manages the Center's administrative duties such as human resources/personnel and fiscal has at least three (3) college/university credits from a regionally accredited college/university or forty-five (45) clock hours of training in administration which may be included in the total number of college/university credits required for the position unless such duties are not the responsibility of the Early Childhood Administrator.

- A. A written plan approved by the Office of Child Care Licensing shall be required if such 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. Any changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.

156. 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 directly affiliated with the original Center, that has a qualified Early Childhood Curriculum Coordinator with at least an Associate Degree functioning in that role.

### Early Childhood Curriculum Coordinator

157. A Licensee shall ensure that an Early Childhood Curriculum Coordinator is at least 20 years of age and meets one (1) of the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College/University Credits</u>	<u>Experience</u> <sup>1</sup>
<u>Bachelor Degree from a regionally accredited college or university</u>	<u>Early Childhood Education, Child Development, Elementary Education, or Elementary Special Education</u>	<u>Fifteen (15) credits hours from a regionally accredited college/university in child development or early childhood education including six (6) credits in early childhood curriculum development and planning</u>	<u>Three (3) months supervised student teaching birth through second grade</u> <u>--or--</u> <u>Six (6) months experience working with children birth through second grade in a group setting</u>
	<u>All other areas of study/majors</u>	<u>Same as above</u>	<u>Six (6) months experience working with children birth through second grade in a group setting</u>
<u>Associate Degree from a regionally accredited college or university</u>	<u>Early Childhood Education, Child Development, Elementary Education, or Elementary Special Education</u>	<u>Fifteen (15) credits hours from a regionally accredited college/university in child development or early childhood education including six (6) credits in early childhood curriculum development and planning</u>	<u>Three (3) months supervised student teaching birth through second grade</u> <u>--and--</u> <u>Three (3) months experience working with children birth through second grade in a group setting</u>
	<u>All other areas of study/majors</u>	<u>Same as above</u>	<u>Twelve (12) months experience working with children birth through second grade in a group setting</u>
<u>High School Diploma or equivalent recognized by Delaware Department of</u>	<u>All areas of study</u>	<u>Fifteen (15) credits hours from a regionally accredited college/university in child development or early childhood education including six (6) credits in early childhood curriculum</u>	<u>Twenty-four (24) months experience working with children birth through second grade in a group setting</u>

<u>Education</u>		<u>development and planning</u>	
<sup>1</sup> <u>Supervised experience may be substituted for the required experience and will reduce it by one-half.</u>			

156C. An Early Childhood Curriculum Coordinator without a degree may fill this position provided that the Early Childhood Administrator is fully qualified as described in these Regulations with at least an Associate Degree functioning in that role.

**Early Childhood Administrator or Early Childhood Curriculum Coordinator – Specialized Training**

158. A Licensee shall ensure that the individual functioning as either the Early Childhood Administrator or Early Childhood Curriculum Coordinator has successfully completed fifteen (15) clock hours of approved training in infant and/or toddler development and curriculum if the Center serves infants and/or toddlers. The clock hours may be translated from the college/university credits and included in the total number of college/university credits required for the position.

159. A Licensee shall ensure that the individual functioning as either the Early Childhood Administrator or Early Childhood Curriculum Coordinator has successfully completed fifteen (15) clock hours of training in school-age care if the Center serves school-age children. The clock hours may be translated from the college/university credits and included in the total number of college/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.

**Early Childhood Teacher**

160. A Licensee shall ensure that an Early Childhood Teacher is at least eighteen (18) years of age and meets one (1) of the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College/University Credits</u>	<u>Experience</u> <sup>1</sup>
<u>Bachelor Degree or Associate Degree from a regionally accredited college or university</u>	<u>Early Childhood Education, Child Development, Elementary Education, or Elementary Special Education</u>	<u>Six (6) credits in child development or early childhood education</u>	<u>Three (3) months supervised student teaching birth through second grade</u>  <u>--or--</u> <u>Six (6) months experience working with children birth through second grade in a group setting</u>
	<u>All other areas of study/majors</u>	<u>Six (6) credits in child development or early childhood education</u>	<u>Six (6) months experience working with children birth through second grade in a</u>

<p><u>High School Diploma or equivalent recognized by Delaware Department of Education</u></p>	<p><u>All areas of study</u></p>	<p><u>Nine (9) credits in child development or early childhood education of which three (3) credits must be in each of early childhood education, child development, and positive behavior management.</u></p> <p><u>-or-</u></p> <p><u>Valid Child Development Associate Credential (CDA)</u></p> <p><u>-or-</u></p> <p><u>Successful completion of Training for Early Care and Education 1 and 2 (TECE 1 and TECE 2)</u></p> <p><u>-or-</u></p> <p><u>Montessori Infant and Toddler Full/Associate Credential or Montessori Early Childhood Full/Associate Credential from a MACTE approved training program</u></p> <p><u>-or-</u></p> <p><u>Successful completion of a vocational/technical high school's three (3) year program in early childhood education approved by Delaware's Department of Education</u></p> <p><u>- or-</u></p> <p><u>Successful completion prior to 2007 of a one (1) year early childhood diploma program from a two (2) year</u></p>	<p><u>group setting</u></p> <p><u>Twelve (12) months experience working with children birth through second grade in a group setting</u></p>
<p><sup>1</sup><u>Supervised experience may be substituted for the required experience and will reduce it by one-half.</u></p>			

### Early Childhood Assistant Teacher

161. A Licensee shall ensure that an Early Childhood Assistant Teacher is at least 18 years of age and meets one (1) of the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College/University Credits</u>	<u>Experience</u> <sup>1</sup>
<u>High School Diploma or equivalent recognized by Delaware Department of Education</u>	<u>All areas of study</u>	<p><u>Six (6) credits in child development or early childhood education of which three (3) credits must be in early childhood education and three (3) in child development</u></p> <p>-or-</p> <p><u>Successful completion of Training for Early Care and Education 1 (TECE 1)</u></p> <p>-or-</p> <p><u>Successful completion of a traditional high school's career pathway program in early childhood education approved by Delaware's Department of Education</u></p>	<p><u>Six (6) months experience working with children birth through second grade in a group setting</u></p> <p><sup>1</sup><u>Supervised experience may be substituted for the required experience and will reduce it by one-half.</u></p>

### Early Childhood Caregiver

163. A Licensee shall ensure that an Early Childhood Caregiver is at least eighteen (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 approval by OCCL to continue in that capacity prior to 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 and is directly affiliated with

### Early Childhood Intern

164/165. An Early Childhood Intern may count in the staff/ child ratio, must always be under the direct supervision of at least an Early Childhood Assistant Teacher, and may not be alone with children. A Licensee shall ensure that an Early Childhood Intern is at least sixteen 16 years of age, at least four (4) years older than any child in his or her direct care, and meets one (1) of the following education qualifications:

<u>Education</u>
<u>Successful completion of at least a single fifteen (15) hour training course for center-based care such as <i>Delaware First's</i> "Child Development" or "Introduction to Center-Based Care" recognized by the Office of Child Care Licensing;</u>
-or-
<u>At least successful completion of three (3) college/university credits from a regionally approved college/university in either child development or early childhood education;</u>
-or-
<u>Successful completion of the education requirement for any higher level position contained in these regulations.</u>

- A. Fifteen (15) year olds may be hired only if they are attending a vocational/technical high school three (3) year program in early childhood education or a traditional high school's career pathway program in early childhood.

### Early Childhood Aide

XXX. An Early Childhood Aide must be at least 16 years of age (or 15 years of age if attending a vocational/technical high school's three (3) 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), always work under the direct supervision of at least an Early Childhood Assistant Teacher or Early Childhood Caregiver, may not be alone with children, and will count in the staff/ child ratio only during the first twelve (12) months of cumulative employment as an Early Childhood Aide. An Early Childhood Aide under the age of 18 must be at least four (4) years older than any child in his or her direct care.

### STAFFING

166. 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.

167. 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.

168. 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 as stated in these regulations and :

- A. The Center has a capacity of sixty (60) or fewer children; or
- B. The Licensee shall ensure through a written plan approved by the Office of Child Care Licensing 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 Office of Child Care Licensing.

169. 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 seventy-five percent (75%) of the hours of operation.

- A. If an Early Childhood Administrator is responsible for two (2) or more Centers, each with capacities of sixty (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 fifty percent (50%) of the hours of operation.

170. A Licensee shall follow a one (1) to four (4) ratio of Early Childhood Teachers to Early Childhood Assistant Teachers, Early Childhood Caregivers and Early Childhood Interns as indicated in the table below:

Early Childhood Teacher(s)	Total # 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
6	21 to 24
7	25 to 28
8	29 to 32
9	33 to 36
10	37 to 40
(continue as needed)	

171/192. Staff charged with caring for children shall not be given other duties 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.

**STAFF COMMUNICATION**

195. A Licensee shall have an organized system of documented communication among staff to ensure that any staff member assuming responsibility for a child or children, as for example during shift changes, is informed of any significant information, problem, need, or special circumstance involving the child or children.

## **RATIOS, GROUP SIZE, AND SUPERVISION**

185/190A. 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 ratios and maximum group sizes for each age group listed during daily activities at the Center or during routine transportation provided by the Center as indicated in the table below:

	<b><u>Age of Child</u></b>	<b><u>Minimum Staff/Child Ratio</u></b>	<b><u>Maximum Group Size</u></b>
<u>Infant</u>	<u>Under 1 Year</u>	<u>1:4</u>	<u>8</u>
<u>Young Toddler</u>	<u>1 to 2 Years</u>	<u>1:6</u>	<u>12</u>
<u>Older Toddler</u>	<u>2 to 3 Years</u>	<u>1:8</u>	<u>16</u>
<u>Young Preschool Child</u>	<u>3 to 4 Years</u>	<u>1:10</u>	<u>20</u>
<u>Older Preschool Child</u>	<u>4 to 5 Years or older (Not yet attending K* or higher)</u>	<u>1:12</u>	<u>24</u>
<u>School-Age Child</u>	<u>5 Years or older (attending K* or higher)</u>	<u>1:15</u>	<u>30</u>
<i>*K = Kindergarten</i>			

187/188. 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. For mixed age groups, the staff/child ratio and group size requirements are that for the age of the youngest child present.

369. A Licensee shall ensure that staff create and utilize a positive transition plan when admitting a child new to the Center or when moving a child from a particular group or room.

191. A Licensee shall ensure that during nap times when children one (1) year and older are sleeping, at least one-half (1/2) of the normal staff complement as required in these regulations are physically present with each group of children and directly observing the children. (187)The full staff/ child ratio for infants shall be maintained at all times.

193. A Licensee shall have at least two (2) staff present when seven (7) or more children one (1) year and older are present. When six (6) or fewer children one (1) year and older are present with only one (1) staff member, that staff member must be qualified at least as an Early Childhood Teacher.

- A. The Licensee shall have emergency procedures providing immediate access to emergency service and additional staff when only one (1) staff member is present with children at the Center.

## **SUBSTITUTE AND VOLUNTEER STAFF**

172. A Licensee shall have substitute staff who are at least sixteen (16) years of age, including documentation of their qualifications to fill a particular position during the absences of permanent staff.

172/172A. A substitute who is not fully qualified shall be allowed to count toward staff/child ratios for a maximum of thirty (30) days in a single position if 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, may not be alone with children, 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.

- A. When the position of Early Childhood Administrator is vacant for thirty (30) days or more, a substitute qualified as an administrator must fill that position

XXX. Volunteers without a complete personnel file may not be alone with children and must always be supervised by a staff person who is 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 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 including while transporting children or on field trips.

173. A Licensee shall ensure that volunteers are at least sixteen (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.

- A. A Licensee shall ensure that a substitute or volunteer may be fifteen (15) years old only if they are attending a vocational/technical high school three (3) year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment and attendance in such programs shall be on file at the Center.

174. A volunteer who is fully qualified for the particular position may be counted toward staff/ child ratios.

- A. Volunteers providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to have background checks. Volunteers providing unpaid services of more than five (5) days or forty (40) hours a year are required to have background checks.

## **ANNUAL TRAINING**

177. A Licensee shall ensure and document that all staff, including an actively involved Owner participate in annual training aligned with the program's license period and directly related to the staff member's position. Staff members providing direct child care and working twenty-five or more hours per week shall participate in at least eighteen (18) clock hours of training annually. Staff members providing direct child care and working less than twenty-five hours per week shall participate in at least nine (9) clock hours of training annually. Staff members not providing direct child care shall participate in at least three (3) clock hours of training annually. Only owners, substitutes, or volunteers that work or volunteer less than seven (7) hours per week shall be exempt from the annual training requirements. Training taken in clock hours must cover a minimum of three (3) core areas unless the staff member is applying credits for successfully completing a regionally accredited college/university course, successfully working toward a credential issued by the Delaware Department of Education, or when the training is six (6) or more clock hours in length.

- A. Annual training required for newly hired staff shall be prorated based on their date of hire. After full time staff have been employed for six (6) months or longer, 1.5 clock hours of training per partial or full month employed rounded up to the next whole number must be completed by the license expiration date. After part-time staff have been employed for six (6) months or longer, 0.75 clock hours of training per full or partial month employed rounded up to the next whole number must be completed by the license expiration date.

- C. Training in CPR, First Aid and Administration of Medication shall not count toward a staff member’s annual training requirement even when required for a particular position.

**ANNUAL PROFESSIONAL DEVELOPMENT PLAN**

179. A Licensee shall ensure that a written professional development plan is completed for each staff member holding a position with qualifications defined in these Regulations within thirty (30) days 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.

**FIRST AID AND CPR TRAINING**

181. A Licensee shall document that all staff qualified to be alone with children have within six (6) months from the date of hire and maintain current certification of completing a classroom-based First Aid course and a classroom-based certification in cardio-pulmonary resuscitation (CPR) which requires a skill demonstration and is appropriate to the ages of the children they are assigned to care for.

184. At least one (1) 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.

**PARENTS/GUARDIANS COMMUNICATION**

370. A Licensee shall have an organized system of respectful communication with parent(s)/guardian(s) that incorporates the use of written policies in a Parent Handbook that is provided to parents at enrollment that include:

Parent Handbook Shall Include:
(A) Assurances that parent(s)/guardian(s) visits and monitoring of the program are welcomed <u>and (372) permitted without prior approval of the Center;</u>
(B) Assurances of nondiscrimination and respect for each child’s family and culture;
(E) <u>A statement of the Center’s developmental and educational goals for all children including procedures for ensuring that parent(s)/guardian(s) are kept regularly informed concerning the program and their child’s developmental and educational progress including a minimum of one (1) annual conference between Center staff and parents/guardians;</u>
(F) Information about procedures used by the Center 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) A procedure for informing parent(s)/guardian(s) of the identities of the governing body members;

(K)	A procedure encouraging parent(s)/guardian(s) to review current licensing <u>regulations</u> made available at the Center;
(L)	A procedure for making and handling complaints from parent(s)/guardian(s) regarding the Center;
(N)	A typical daily schedule of the Center's programs and activities;
(O/P/Q/R)	A written explanation of the Center's policy on positive behavior management, <u>food and nutrition services, safety and sanitation, and transporting children (if applicable)</u> ;
(S)	Procedures related to release of children;
(T)	A copy of the Center's routine and emergency health care plan including health exclusions, <u>written notification of an outbreak of a communicable disease</u> , and administration of medication;
(U)	Procedures to regularly report any accidents or critical incidents involving the child and any other important information relating to the child;
(V)	A written explanation of the mandatory reporting of child abuse and neglect;
(W)	Written notice of the outbreak of a communicable disease; and
(373)	Procedures that state that written permission from parents/guardians is required prior to disclosing or using any child's written, electronic, or digital information except in the performance of official duties by employees or representatives of the Office of Child Care Licensing or other entities with statutory responsibilities for issues relating to the health, safety, and protection of children.

## PHYSICAL ENVIRONMENT AND SAFETY

### GENERAL SAFETY PRACTICES

196. 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 (A) written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation, and fire safety.

198/269. A Licensee shall ensure that all structures, fences, equipment, and grounds are maintained in a clean, safe condition so as to be free from any hazard to health and safety including appropriate lighting of outdoor areas that are used while it is dark. (199) Grounds shall drain either naturally or through installed drainage systems so that there is no standing drainage water on the premises. (269) Parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by occupants after dark shall be illuminated. (202) 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.

274/275. A Licensee shall ensure that the facility is free of hazardous materials and shall maintain evidence that the center has been tested for and found to be free of lead-based paint hazards when conditions warrant such testing and/or testing is required.

270/ 271A//271 B. A Licensee shall ensure that the temperature of the water from all water faucets and other sources accessible to children in care in a Center not exceed 120 degrees 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. (271) Water supply and the sewage disposal in a Center shall be approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively.

200. 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 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.

287. A Licensee shall ensure that all containers of poisonous, toxic, or hazardous materials kept in a Center are prominently and distinctly marked or labeled for easy identification as to contents and used only in such manner and under such conditions as will not contaminate food or constitute a hazard to the children in care or to staff and, except for materials required for routine cleaning and maintenance, are 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. (A) The storage of flammable liquids and gases shall not be permitted in the Center except as allowed by the Office of the Fire Marshal.

28/294. A Licensee shall ensure that porches and elevated walkways or surfaces in a Center of more than two (2) feet in height have hazard-free barriers to prevent falls and that stairways, inside and out, over four (4) steps have handrails at a maximum of 38 inches and are safe for children and adults.

289. A Licensee shall ensure that every exit, exit access, and exit discharge in a Center are continuously maintained free of obstruction. (262) All closets shall be provided with doors that can be readily opened from both sides.

290. A Licensee shall ensure that glass door panels and windows within thirty-six (36) inches of the floor have safety guards such as rails or mesh or be of safety-grade glass or polymer and equipped with a vision strip.

292/291. A Licensee shall ensure that all buildings used by a Center are rodent-free and free of insect infestation.

293. 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. ( B./C) 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 when not being used by the children.

296. A Licensee shall ensure that a Center has child-proof receptacle covers for all electrical outlets not in use and accessible to children, or has electrical outlets that are of the child-resistant ground-fault circuit-interrupter

(GCFI) type.

260. 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. (259) Insect screening in good repair shall be used for all exterior doors and operable windows when such doors and windows are used for ventilation, provided that all requirements for fire safety have been met. (260) If mechanical ventilation is not provided, a Center shall have window area equal, at a minimum, to four and one-half percent (4 ½%) of the floor area of the Center. Half (1/2) of such window area shall be operable.

263. A Licensee shall ensure that all heating and cooling equipment, hot water pipes or radiators are is safely shielded or insulated to prevent the injury of children. (A) All heating, cooling, and plumbing equipment shall be properly installed, cleaned, and maintained to operate safely.

A. (261) All floor or window fans in a Center are inaccessible to children and bear the safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory).

265. A Licensee shall ensure that room temperatures in rooms used by the children are maintained at a minimum temperature of sixty-five (65) degrees F. and a maximum of eighty-five (85) degrees F. at floor level unless there is conflict with Federal and State energy Laws. (B) (263C) Portable space heaters shall be prohibited. (266). 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.

A. Except as provided in below, a Center shall be required to close temporarily if the minimum or maximum room temperature cannot be maintained.

If room temperature is above sixty (60) degrees F. and below ninety (90) degrees F., a Center shall restore room temperature to above sixty-five degrees F. and below eighty-five degrees F. within the next 24 hours.

If room temperature is above fifty (50) degrees F., a Center shall restore room temperature above sixty (60) degrees F within the next four (4) hours and above sixty-five (65) degrees F. in the next 24 hours.

### **SMOKING PROHIBITED**

411. 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.

### **INDOOR SPACE**

197. A Licensee shall maintain all areas of the facility in a clean, safe condition free from hazards including any floors, walls, counter surfaces, toilets, or any rough surface or finish that may present a hazard to health and safety. (268) A Center shall have sufficient natural and artificial lighting to allow for the supervision of the children and provide illumination of at least thirty (30) foot candles at floor level in areas where children's activities occur.

220. 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. (221) A Center shall have at least thirty-five (35) square feet for each child. Measurements shall be from wall to wall on the inside. (A) Toilet rooms, kitchen areas, isolation areas, offices, storage spaces, hallways, furnace rooms, gymnasiums, and other areas not used by children for sleep or play on a routine basis shall not be counted in computing required square footage.
258. A Licensee shall provide children with individual storage space for personal belongings so that clothing or bedding used by a child does not come into contact with that used by other children.

### **OUTDOOR CLIMATE AND SPACE**

267. A Licensee shall be aware of extreme weather conditions such as air quality or wind chill factor that could affect the well-being or health of children and limit outside playing time when such extreme weather conditions exist.
203. A Licensee shall maintain or have access to an outdoor play area with at least seventy-five (75) square feet for each child for the maximum number of children who will use the playground at one (1) time. (A) The outdoor play area shall be large enough to accommodate at least one-fourth (1/4) of the licensed capacity of the facility at any one (1) time.
204. A Licensee of 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 fifty (50) square feet for each child for the maximum number of children who will use the playground at one (1) time. (A) The outdoor play area shall be large enough to accommodate at least one-fourth (1/4) of the licensed capacity of the facility at any one (1) time.
- B. If the capacity of a Center licensed before the effective date of the January 1, 2007 regulations changes for any reason, the Licensee shall be required to ensure that the outdoor play area is in compliance with these Regulations.
205. A Licensee shall ensure that the outdoor play area is situated adjacent to or within close proximity to the Center, is available to the children by a safe route, and (214) has a shaded rest area for children. (212) Staff shall inspect the area before children begin to play to ensure there are no hazards present and play equipment is safe for use. (213A) Outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner including (213B) being covered when not in use.
206. A Licensee shall ensure that outdoor play areas are fenced.
- A. 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 (B) shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3½) inches. (D) Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building. (C) 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 such that small children cannot open it.

207. 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.

209. 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. (A) The fall zone depth and materials shall follow the instructions as listed in the most recent publication of the United States Consumer Product Safety Commission's (CPSC) *Handbook for Public Playground Safety* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpscpub/pubs/325.pdf>).

- A. (ii) All materials used for protective surfaces shall be of a size that prevents choking and (210) 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 (6) 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.

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

212. A Licensee shall ensure that the outdoor play area (212A) is free of hazards by inspecting the outdoor play yard before children begin to play. 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.

215. 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 play space required by these regulations, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity.

- A. (B) The Licensee shall have a written plan which specifies how large muscle activity will be provided as well as opportunities for safe outdoor activities.

216. 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 Office of Child Care Licensing unless the capacity of the Center increases or the physical plant of the Center changes allowing room for an indoor play space.

217. 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 (7) feet in height.

## RIDING TOYS

218. A Licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition, free of sharp edges or protrusions that may injure a child, and not motorized. (219) All children shall wear approved safety helmets while riding bicycles with wheels of twenty (20) or more inches in diameter. (A) Helmets shall not be shared unless made with a nonporous interior lining and easily cleanable straps and all interior and exterior surfaces of the helmet shall be wiped clean between users. (B) Helmets shall be removed before allowing children to use playground equipment.

## SLEEPING ACCOMMODATIONS

378/378A. A Licensee shall ensure that the program in a Center provides physical care routines including opportunities for rest/sleep for each child in attendance appropriate to each child's individual physical needs. Rest equipment shall meet the safety standards required by the U.S. Consumer Product Safety Commission or other recognized authority approved by the Office of Child Care Licensing and (229) maintained in a safe condition .

A. The rest area(s) shall be lighted enough to allow for visual supervision at all times. (378B) An alternative quiet activity shall be provided for those children who have rested or slept for thirty (30) minutes and do not appear to need or want additional rest or sleep.

224. 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, cot, bed, or mat and bedding. (A) 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.

A. Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings. (227) and seasonably appropriate top and bottom coverings, such as sheets and blankets, shall be provided for each child over the age of (1) one year. (A) Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet. A tight-fitting bottom covering is required for all infants.

B. Cots, beds, mats and mattresses, and crib mattresses shall be cleaned and sanitized at least weekly and when soiled or wet. (D) Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child. (225) Sleeping mats shall be stored so that there is no contact with the sleeping surface of another mat or disinfected after each use.

C. Each child under eighteen (18) months of age and not walking shall sleep in a crib or playpen. A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a cot, bed, or mat and bedding with written permission from the child's parent(s)/guardian(s).

228. A Licensee shall ensure that cribs and other rest equipment are placed at least one and one-half (1 ½) feet apart while in use with children sleeping in alternating body positions aligning their head to the feet of the child next to them. If children are placed at least three feet apart or if a physical solid barrier such as a book shelf is present between children, head to foot positioning is not required.

### **SAFE SLEEP PRACTICE FOR INFANTS AND SUDDEN INFANT DEATH SYNDROM (SIDS/SUFFOCATION RISK REDUCTION)**

XXX. Cribs must meet the current standards of the U.S. Consumer Product Safety Commission or other safety authority recognized by the Office of Child Care Licensing.

- A. (226) Cribs shall not be stacked while in use.
- B. (226D) Crib mattresses shall be firm and tight-fitting with tight-fitting sheets. Pillows, bumper pads, quilts, blankets, comforters, sheepskin, stuffed toys, and any other soft products shall be removed from cribs while an infant is in the crib.
- C. Soft surfaces such as soft mattresses, pillows, sofas, and waterbeds shall be prohibited as infant sleeping surfaces. (G) Toys or objects hung over an infant in a crib shall be prohibited.

187. A Licensee shall maintain the full staff/child ratio for infants at all times.

389. Infants shall sleep in cribs and be placed on their backs when putting them 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 and stipulates the specific sleeping position in which that infant must be placed.

- A. A record shall be kept and retained for a minimum of six (6) months documenting the infant was visually monitored every thirty (30) minutes when napping/sleeping to observe the infant for normal breathing, any signs of distress, and to be ready to assist and respond in case of emergency.

### **AREA FOR CHILDREN WHO BECOME ILL**

230. A Licensee shall ensure that a Center has a separate area, (230B) not located in the kitchen or toilet areas, where children who are exhibiting illnesses/symptoms requiring exclusion from the Center are cared for until they can be removed from the Center or are diagnosed as posing no risk to themselves or others.

- A. The separate area shall be furnished with rest equipment provided with clean bedding.
- B. (D) While in this area, staff shall ensure that the child is supervised and the child's individual needs for rest, comfort, food, drink, and activity are met until the child can be picked up by a parent/guardian or suitably cared for elsewhere.
- C. All items used by an ill child, including rest equipment, bedding, utensils, and toys shall be cleaned and disinfected prior to being used by another child.

### **TOILET FACILITIES**

231. A Licensee shall ensure that a Center has enclosed toilet rooms inside the building on each floor where child care has been approved. (236) Each toilet room shall have (232C) at least one (1) sink and (236) one (1) operable window or mechanical ventilation.

- A. Door locks, if present, must be designed to permit staff to open the locked door readily and shall not be within the children's reach.

232. 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:

<b>Ages of Children</b>	<b>Ratio of # of Toilets to # of Children</b> <sup>1, 2</sup>
Toddlers and Preschool	1:10
School-Age	1:15
<p><sup>1</sup> (454A) Urinals shall be counted as one-half of a toilet for the purposes of this calculation provided the population served includes a significant number of males and that a minimum of two (2) flush toilets are available and accessible to both males and females.</p> <p><sup>2</sup> (232D) Staff shall be counted in determining the number of toilets and sinks if the Center does not provide separate toilet facilities for staff.</p>	

234. A Licensee shall ensure that a Center serving only children under twenty-four (24) months of age has at least one (1) toilet and sink when fewer than twenty (20) children are served and at least two (2) toilets and sinks when more than twenty (20) children are served.

233. 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.

A. If the capacity or physical plant of a Center licensed before the effective date of the January 1, 2007 regulations changes for any reason, the Licensee shall be required to ensure that the toilets and sinks are in compliance with these Regulations.

235. A Licensee shall ensure that potty chairs are not substituted for toilets and, if used, are placed in the toilet room. (A). Potty chairs, when used, shall be cleaned and sanitized after each use in accordance with these Regulations.

237. A Licensee shall provide liquid soap, toilet paper, and single service towels or hand drying device in the toilet room(s) and make them accessible to the children.

239. A Licensee shall ensure that toilet room(s) in a Center are maintained in a sanitary condition and cleaned daily or more frequently if needed. ( 238) All surfaces in a toilet room shall be smooth, cleanable, and non-absorbent.

## **SANITATION**

240. A Licensee shall ensure that areas and equipment specified in Regulations #XXX are washed with soap and water, and then disinfected as required.

A. Because of the variety of products available, providing a generic bleach recipe for sanitizing and disinfecting is no longer possible. If using an EPA-registered bleach product, the licensee shall follow the manufacturer's instructions for diluting the product for sanitizing or disinfecting, as well as for the contact time. If not using an EPA-registered bleach product for sanitizing and disinfecting, the licensee shall follow the guidelines provided by an agency approved by the Office of Child Care Licensing, such

as the Delaware Department of Public Health. These products and their instructions for use shall be available for review.

241. A Licensee shall ensure that staff wash and then disinfect the following equipment, items, or surfaces as indicated below

After Each Use	At least Daily
Potty chairs which have first been emptied into a toilet	Toilet and toilet seats
Sinks and faucets used for hand washing after the sink has been used for rinsing a potty chair	Sinks and faucets
Diapering surfaces, as required in <a href="#">Regulation #248</a> ;	Diaper pails and lids
Food preparation and eating surfaces such as counters, tables, and high chair trays	Drinking fountains
Toys mouthed by children	Water table and water play equipment
Mops used for cleaning shall be rinsed, disinfected, wrung dry, and hung to dry	Play tables
Bibs	Mats that are not stored separately as specified in these regulations
Thermometers	Smooth surfaced non-porous floors

## HANDWASHING

243. A Licensee shall have a hand washing procedure that is posted at each hand washing sink and ensure that staff and children wash their hands with soap and running water, including when gloves have been worn, and use single service towels for drying hands, as follows:

Before and After	After
Eating or handling food	Toileting or diapering
Giving medications	Coming into contact with blood, fecal matter, urine, vomit, nasal secretions, or other body secretions
Caring for a child who may be sick	Handling animals or their equipment or after coming into contact with an animal's body secretions
Using a water-play table/container with other children	Playing in a sandbox;
<u>Using shared play dough or clay</u>	Outdoor play
	Cleaning
	Taking out the garbage

## STANDARD PRECAUTIONS

244. A Licensee shall employ standard precautions for protection from disease and infection. (C) 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. Spills of body fluids (i.e. urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

- A. Spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, tabletops, toys, and diaper-changing tables shall be cleaned with soap and water and then disinfected;
  - B. Non-porous gloves shall be used for spills of blood or blood-containing body fluids and injury and tissue discharges on any surface, which shall be cleaned with soap and water and then disinfected.
- (D) Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie;

## DIAPERING

245. A Licensee shall have an established procedure for checking diapers for wetness and feces at least hourly, visually inspected 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 and (C) placed in a sealed plastic container or bag labeled with the child's name and returned to the child's parent(s)/guardians at the end of the day.

- A. (B) 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(s)/guardian(s) to provide.
- B. (248E) The Licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and are placed in a sealed plastic container or bag labeled with the child's name and returned to the child's parent(s)/guardians at the end of the day;

246. A Licensee shall ensure that a Center has a diaper changing area with a clean, washable, and non-absorbent surface that (246B) shall not be located in the kitchen area. (C) Disposable covers for the diaper changing area shall be used for each diaper change.

- A. There shall be a separate hand-washing sink within five (5) feet of the changing area.

247. 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, (247C) within arm's reach of the changing area, inaccessible to children, and (B) sanitized daily.

- A. Such 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.

248. A Licensee shall have an established procedure for changing diapers that is (G) posted in the diaper changing area and includes at least the following items:

- A. (D) 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:
- B. 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 (F) wash their hands and the hands of the child with soap and water immediately after each diaper change; and
- (C) The diaper changing area shall be cleaned and then sanitized with a disinfectant solution after each use in accordance with these Regulations.

## **FOOD SERVICE AND PREPARATION**

249. Upon request by the Office of Child Care Licensing, a Licensee shall contact the Division of Public Health prior to opening a Center to determine whether the Center requires a Food Establishment permit.

250. 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.

251. A Licensee shall ensure that a kitchen or food preparation area is provided with the necessary operable equipment (251A) including a hand-washing sink in the food preparation area that is separate from the sink used for food preparation and dishwashing to prepare, store, serve, and clean-up all meals and snacks for children and staff.

252. A Licensee shall ensure that floors, walls, and counter surfaces that any food comes in contact with are easily cleanable and impervious to water to the level of splash.

253. A Licensee shall ensure that a Center has refrigeration with sufficient capacity to keep perishable food, (253B) including lunches prepared at home, cold to forty degrees F. or colder, and food stored in a freezer frozen at zero (0) degrees F. or colder. (253A) A working thermometer shall be in all refrigerators, freezers and freezer compartments.

255/256. A Licensee shall ensure that all food in a Center is clean, wholesome, free from spoilage and adulteration, correctly labeled, and safe for human consumption. Storage areas for food shall be cleanable and free of food particles, dust and dirt. (B) All food items shall be stored off the floor, (C) separate from cleaning materials, and (A) in closed or sealed containers that are labeled

257. 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.

## **EMERGENCY PLANNING**

276. A Licensee shall have a written emergency plan describing procedures for both natural and man-made Disasters.

277/277A. Monthly evacuation drills shall be practiced from all exit locations at varied times of the day and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, the number of children and staff members who participated, the exits used, and the total amount of time necessary to evacuate the Center. Evacuation routes shall be posted in each room that the children use.

278. A Licensee shall develop a written plan for procedures to shelter-in-place (staying indoors) at the child care center for up to seventy-two (72) hours/three (3) days due to a natural or man-made disaster that includes a list of emergency supplies in sufficient quantities for the care of children and procedures for feeding children and staff during the extended stay at the Center.

## **FIREARMS**

279. A Licensee shall ensure that firearms and/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.

## PETS

280. A Licensee shall ensure that any pet kept by or located in the Center shall be in good health and known to be friendly to children. (280D) Animals such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds (birds of the parrot family), or any other animals that are known to be carriers of illnesses shall not be kept at the Center. A veterinarian's certificate of current immunizations including rabies is required for a cat or dog present at the facility and shall be on file at the center.

A/B/C. Animals in the Center shall be cared for in a safe and sanitary manner, housed in protected containers away from food preparation, storage, and serving areas and toilet facilities, and handled by children only under close staff supervision.

## TELEPHONES

283. A Licensee shall ensure that a Center has a working, publicly listed telephone with an operating voice mail feature. Changes to the phone number shall be provided to parents/guardians and the Office of Child Care Licensing.

284. A Licensee shall post emergency telephone numbers by a telephone accessible to all staff for ambulance or emergency medical services, police and fire departments (911), Poison Control Center, and Child Abuse Reporting Number.

## TRANSPORTATION

297. A Licensee of a Center that provides transportation for children shall ensure that the operator and the vehicle 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. The operator of a vehicle transporting children for a Center shall be at least twenty- one (21) years of age, have a valid driver's license that authorizes the driver to operate the vehicle being driven and a safe driving record. (297A) The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

- A. The driver, if an employee of the facility and no other staff qualified to be alone with children are present in the vehicle, must be qualified to be alone with children ( i.e. qualified at least as an early Childhood Assistant Teacher or Early Childhood Caregiver) and have a full staff file at the Center.
- B. A vehicle with a rated capacity, as defined by the manufacturer, to carry more than ten (10) passengers in addition to the driver and was newly purchased or newly leased after July 1, 1998 shall meet State and Federal specifications and safety standards applicable to school buses.

298/299. A Licensee shall develop, follow, and inform parents/guardians 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. (304) This policy shall have procedures to ensure that children are never left unattended in a vehicle used by the center.

A. (298A) If a school bus is used for transportation, a A child preschool age or younger shall be transported only when the bus is properly equipped with child safety restraints.

i. (298A) An exception may be made when written permission is received from parent(s)/guardian(s) stating that they have 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 they give permission allowing their child to be transported on a school bus unrestrained.

XXX A Licensee shall ensure that any vehicle used to transport children shall:

A. (307). Have an operable heater capable of maintaining a temperature of at least fifty (50) degrees F. in the vehicle and (308) use air-conditioning when the vehicle's interior temperature exceeds eighty-five (85) degrees F. and fresh air through open windows cannot reduce the temperature.

B.(302) Have a working telephone, first aid kit, and (309) operable dry chemical fire extinguisher approved by the Underwriter's Laboratory.

C. (306) Load and unload children at the curbside of the vehicle or in a protected parking area or driveway and (303) have locked doors whenever the vehicle is in motion.

300. A Licensee shall obtain written permission from parents/guardians for any transportation provided by the Center. A licensee shall document arrangements with parent/guardians and their children's school regarding any transportation provided by the licensee to and from the child's school including the identify of each vehicle's operator and specifying any special need or problem of a child which might require special attention during transportation.

#### **FIELD TRIPS**

310. A Licensee shall have a plan for field trips or routine program outings that includes procedure(s) (273) documenting that all children are accounted for at all times and (312E) the transportation of children in the event of an emergency. (312B) Medical consent forms and emergency contact information for all children, (312C) a traveling first aid kit as described in these regulations, and (286) a working telephone shall accompany staff and children on any trip or outing. (312D) Children shall have tags or other means of providing the center's name and telephone number.

311. A Licensee shall ensure that during field trips or routine program outings staff/child ratios are maintained in accordance with these regulations with a minimum of two (2) staff members present at all times, one of whom must be qualified to be alone with children. (310A). Volunteers shall count toward the staff/child ratios 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. (See ratio chart below).

### STAFF/ CHILD RATIOS FOR FIELD TRIP/ROUTINE PROGRAM OUTING

Minimum of two (2) staff present at all times

Age of Youngest Child in Group	<u>Staff/Volunteer to Child Ratio USING VEHICLES</u>	<u>Staff/Volunteer to Child Ratio NOT USING VEHICLES</u>
Under 1 year	1:2	1:4
1 to 2 years	1:2	1:6
2 to 3 years	1:4	1:8
3 to 4 years	1:4	1:10
4 to 5 years (not in kindergarten)	1:4	1:12
5 years or older (at least in kindergarten)	1:8	1:15

313. A Licensee shall ensure that staff and/or volunteering parents/guardians comply with transportation regulations when transporting children on field trips.

### HEALTH CARE

314. 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.

### CHILD HEALTH AND WELL-BEING

315. A Licensee shall have 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 (315A) including method of transportation, notification of parents, and (i) illness exclusions including (D) reportable communicable diseases.

## **CHILD HEALTH APPRAISAL**

316. A Licensee shall ensure that within one (1) month following admission, the Licensee has on file an age-appropriate health appraisal conducted within the last twelve (12) months prior to 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 any applicable local, State, and Federal Laws and regulations. Health appraisals shall be certified by a health care provider and updated yearly or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

- A. A health history and (B) physical examination including (C) growth and development and (F) documentation of the results of any recommended or required screening/testing such as for blood-lead or tuberculosis;
- B. (D) Recommendations regarding required medication, restrictions, or modifications of the child's activities, diet, or care and (E) medical information pertinent to treatment in case of emergency;
- C. (G) Documentation of the immunization status, with a listing of day, month, and year of administration for each immunization required by the Division of Public Health. For current information the Licensee shall contact the Division of Public Health or refer to the CDC website currently listed as <http://www.cdc.gov/nip/recs/child-schedule.htm>.

i/ii Unless required by law to be admitted without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, state and federal law and regulation, a child shall be admitted to the Center only when age-appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established for updating the immunizations within a reasonable time frame and submitted to the Early Childhood or School-Age Administrator within fourteen (14) days of the child's admission.

ii.(iii) If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Center until the immunizations have been obtained and written documentation of such has been submitted to the Early Childhood or School-Age Administrator.

317. A Licensee shall ensure that for school-age children, a copy of the health appraisal required by the child's school is also on file at the Center at the time of enrollment in the center as a school-age child.

318. A Licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis or whose health care provider certifies that such immunization may be detrimental to the child's health will be exempt from the immunization requirement provided that the parent(s)/guardian(s) submits to the Early Childhood or School-Age Administrator a notarized statement explaining the exemption is in compliance with State Law.

## **OBSERVATION ON ARRIVAL**

319. 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, ~~or~~ other evidences of ill health, 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. Any person who suspects child abuse or neglect shall make a report to the Child Abuse and Neglect Report Line.

## HEALTH EXCLUSION

320. 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 poses no serious health risk to the child or to other children. The symptoms of illness for possible exclusion shall include, but not be limited to, any of the following:

<b>Symptoms of Illness for Possible Exclusion Includes:</b>
Temperature: infants four (4) months old and younger: equivalent to 100 degrees F. or greater even if there has not been a change in behavior;
Temperature: children older than four (4) months: equivalent to 101 degrees F. or greater, accompanied by behavior changes or other signs or symptoms of illness until medical evaluation indicates inclusion in the facility: <sup>1</sup>
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;
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;
Blood in stools not explainable by dietary change, medication, or hard stools;
Vomiting illness (two (2) or more episodes of vomiting in the previous twenty-four (24) hours) until vomiting resolves or until a health care provider determines the cause of the vomiting is not contagious and the child is not in danger of dehydration;
Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;
Mouth sores with drooling, unless a health care provider determines that condition is noninfectious;
Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;
Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until after twenty-four (24) hours after antibiotic treatment has been initiated;
Scabies, until twenty-four (24) hours after treatment has been initiated;
Pediculosis (head lice), until twenty-four (24) hours after treatment has been initiated;
Tuberculosis, until a health care provider states that the child is on appropriate therapy and can

attend care;
Impetigo, until twenty-four (24) hours after treatment has been initiated;
Strep throat or other streptococcal infection, until twenty-four (24) hours after initial antibiotic treatment and cessation of fever;
Varicella-Zoster (chicken pox), until all sores have dried and crusted (usually six (6) days);
Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;
Pertussis, until five (5) days of antibiotic treatment;
Mumps, until nine (9) days after onset of parotid gland swelling;
Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health department when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;
Measles, until five (5) days after onset of rash;
Rubella, until six (6) days after onset of rash;
Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or
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.
<sup>1</sup> <i>Temperatures for children under four (4) years of age shall be taken using a non-glass thermometer by the axillary method (under the arm) or by the temporal scanner thermometer (sometimes called a 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.</i>

325. A Licensee shall ensure that if a child who has already been admitted to a Center manifests any of the illnesses or symptoms specified in these Regulations, the Licensee will remove the child from the group of well children to a separate area, (230D) providing supervision, and meeting the child's individual needs for rest, comfort, food, drink, and activity until (A) the child can be picked up by the parent(s)/guardian(s) or suitably cared for elsewhere, or (325B) a health care provider indicates verbally or in writing that the illness/symptoms pose(s) no serious health risk to the child or to other children.

321. A Licensee shall ensure that the child may return to the Center when the symptoms are no longer present or a health care provider indicates the child poses no serious health risk to the child or to other children.

323. A Licensee shall report any 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>.

322. 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 (A) written documentation from the child's health care provider states the child has been evaluated and presents no risk to the child or to others or (B) the Licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others.

- A. 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.

324. 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.

### ADMINISTRATION OF MEDICATION

327/328. A Licensee shall ensure that only trained staff members who are at least eighteen (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. (328) Written permission from the child's parent(s)/guardian(s) for each medication to be administered is required.

329. A Licensee shall ensure that the parent(s)/guardian(s) of a child provide the following information for each medication given:

<b><u>Required Information for Administration of Medication</u></b>
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
Any special directions.

330. A Licensee shall ensure that all prescription medication is (333) stored so as to be secure and inaccessible to children, (333A) refrigerated (if applicable) in a closed container separate from food, in its original container, properly labeled (329) with directions for its administration, has not expired, is authorized by the child's health care provider, and (330A) given only to the child whose name appears on the prescription as specified in the instructions on the container.

331. A Licensee shall ensure that all non-prescription medication is (333) stored so as to be secure and inaccessible to children, (333A) refrigerated (if applicable) in a closed container separate from food, is in its original container, properly labeled with directions for its administration, has not expired, is labeled with the child's name, and given as specified in the (331A) instructions on the container unless otherwise specified in writing by the child's health care provider.

335. A Licensee shall keep a written record of medication administered to children including medication dosage, time administered, by whom administered, and any adverse effects observed which shall be (336) reported to parents/guardians. This written record 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. Parents/Guardians shall be advised of the occurrence of any medication reactions.

#### **CHILD ACCIDENT AND INJURY**

337. A Licensee shall ensure that when an accident or injury occurs to a child during the hours of care, that the Center's staff take the emergency action to protect the child from further harm, call emergency medical services if needed, and notify the child's parent(s)/guardian(s), maintaining a written record of when the parent(s)/guardian(s) was notified or of attempts to notify the parent(s)/guardian(s).

- A. (337A) 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, and first aid or medical care required.
- B. The Licensee shall report to the Office of Child Care Licensing an accident or injury that results in death or inpatient or outpatient treatment of a child.

#### **FIRST AID KITS**

281. A Licensee shall have first aid kits in locations readily accessible to staff but not to children. (312C) A first aid kit shall be taken on field trips/program outings. The kits shall contain, but are not limited to the following items:

<b><u>Items Required in Center First Aid Kits</u></b>	<b><u>Items Required in First Aid Kits Used on Field Trips/Program Outings</u></b>
Disposable nonporous gloves	Disposable nonporous gloves
Scissors	Scissors
Tweezers	Tweezers
A non-glass thermometer to measure a child's temperature	A non-glass thermometer to measure a child's temperature
Bandage tape	Bandage tape
Sterile gauze pads	Sterile gauze pads
Flexible roller gauze	Flexible roller gauze
Triangular bandages or sling	Triangular bandages or sling
Safety pins	Safety pins
Eye patch or dressing	Eye patch or dressing
Pen/pencil and note pad	Pen/pencil and note pad
Instant cold pack	Instant cold pack
Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide	Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide
Small plastic or metal finger splints	Small plastic or metal finger splints

Non-medicated adhesive strip bandages	Non-medicated adhesive strip bandages
Plastic bags for cloths, gauze, and other materials used in handling blood.	Plastic bags for cloths, gauze, and other materials used in handling blood.
	Water
	Liquid soap
	Any emergency medications needed
	List of emergency phone numbers Parents'/Guardians' home and work phone numbers, and the Poison Control Center phone number

## FOOD, WATER AND NUTRITION

### GENERAL

272. A Licensee shall ensure that drinking water is always available to children and supplied to them upon their request.

339. A Licensee shall have a written policy concerning food service that is (G) provided to parents at enrollment and includes:

- A. A description of all food services provided including (B) times of snacks and/or meals;
- B. Procedures related to food allergies, religious dietary requirements, and other special needs;
- C. If applicable, nutritional information and guidelines concerning the content of meals to be provided by parents/guardians, (F) procedures to prevent spoilage of food brought from home, and (F) procedures that will be followed by Center staff if food brought from home fails to meet nutritional requirements as specified in these Regulations.

340. A Licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage, and clean-up, and adhere to the Center's policy on food service. (A) 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.

341. A Licensee shall ensure that the Center has an annual review of a two (2) week menu sample by the Office of Child Care Licensing.

342. A Licensee shall ensure that menus are planned in advance, dated, and posted in a prominent place for the meals and/or snacks provided by the Center. Menus noting actual food served shall be retained by the Center for thirty (30) days. Any changes made in actual food served on a particular date shall be documented on the menu on or before that date.

- A. A supply of non-perishable foods, and bottled water, and any equipment necessary to serve or prepare foods without the use of electricity shall be kept in the Center for emergency situations that require an extended stay for up to 72 hours/3days.

343. A Licensee shall ensure that meals and snacks are provided by a Center except when one (1) of the following circumstances occur:

- A. 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;
- B. The Licensee makes it known to all parents/guardians at the time of application for enrollment that meals and/or snacks are to be provided by parents/guardians and informs parents/guardians of the importance of sending meals and/or snacks that meet the nutritional requirements as specified in these Regulations and in the **Appendix, Meal Pattern Requirements for Infants and Meal Pattern Requirement for Children.**
- C. The Center has a field trip or a specific activity requiring special meal arrangements.

344. A Licensee shall ensure that nutritious and appropriately-timed meals and snacks meeting nutritional requirements are served in accordance with the following schedule based on the number of hours the child is present at the Center:

<u>Number of Hours</u>	<u>Meals/Snacks Required</u>
2 hours - 4 hours	1 snack
4 hours - 6 hours	1 meal and 1snack
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

345. A Licensee shall ensure that meals and snacks are provided in accordance with the meal pattern requirements (see Appendix) which are adjusted according to the age of the infant and child.

- A. The Licensee shall have supplemental foods from all basic food groups to serve children if meals and/or snacks provided by parents/guardians fail to meet nutritional requirements as specified in these Regulations.

346. A Licensee shall provide food based on the basic food groups as follows:

- A. Milk: fluid pasteurized non-fat cow's milk for children over two (2) years of age. Children under two (2) years of age shall have whole fluid pasteurized cow's milk when not on formula or breast milk;
- B. Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;
- C. Fruits and vegetables: include a variety of vegetables and fruits, using fresh produce when seasonal; and
- D. Grains: Whole grain and enriched products such as breads, cereals, pastas, crackers, and rice.

347. A Licensee shall ensure that when fruit juice is served, 100%-unsweetened juice is used, and not a fruit drink.

348. A Licensee shall ensure that children are encouraged but not forced to eat.

350. A Licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.

351. A Licensee shall ensure that special, therapeutic diets are served by Center staff only upon written instructions by a health care provider. (352) If the parent(s)/guardian(s) requests any modification of basic meal patterns (see **Appendix, Meal Pattern Requirements for Infants** and **Meal Pattern Requirement for Children**) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Center with written documentation from the child's health care provider permitting the modification.

353. A Licensee shall ensure that if the parent(s)/guardian(s) requests any modification of basic meal patterns (see **Appendix, Meal Pattern Requirements for Infants** and **Meal Pattern Requirement for Children**) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Center with written documentation specifying which foods are unacceptable and the food substitutions allowed within the same food group.

354. A Licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast-fed, including allowing the mother to breastfeed her child at a designated place at the Center.

355. 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. Such equipment shall not be shared with another child during feeding. (254) All single service dinnerware or utensils provided for meals or snacks shall be discarded immediately after use.

## **FEEDING OF INFANTS**

360.(B) A Licensee shall ensure that foods 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:

- A. A written statement specifying foods including specific formula or breast milk and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant at least on a monthly basis or as needed. (i) Mixing formula with cereal, fruit juice or any other foods 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;
- B. (BB) A daily written record of each infant's nutritional intake shall be maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Center.
- C. (U/W) An infant shall be held for bottle-feeding and when too young to use a feeding chair or other age-appropriate seating apparatus when fed;
- D. (X) A staff person shall not bottle feed more than one (1) infant at a time. (Y) At no time shall an infant be placed in his or her crib or any sleeping, resting or relaxing equipment with a bottle for feeding nor may a bottle be propped for feeding an infant;
- E. (O) Bottles and infant foods shall be warmed for no more than five (5) minutes under running warm tap water or in a container of water that is no warmer than 120 degrees F. and shall not be warmed or thawed in a microwave oven;
- F. (D). For infants four (4) to seven (7) months of age, semi-solid foods may be introduced as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age unless written documentation from an infant's health care provider permitting a modification is supplied.
- G. (E) Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption and (F) served from a dish unless the entire contents of the jar will be served. (C) Introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission.
- H. (K) Cow's milk shall not be served to infants.

I. (B) Bottles and nipples maintained by Center staff shall be washed and sanitized before each use. (I) Each infant's bottle shall be individually labeled with the infant's name and refrigerated immediately after preparation by Center staff or upon arrival if prepared by a parent/guardian. (J) Unused bottles shall also be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day. (P) Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;

J. (H) Formula provided by parents/guardians or by the Center shall come in a factory-sealed container.

K. (Q) Refrigerated, unused, prepared formula shall be discarded after forty-eight (48) hours;

L. Breast milk shall be fed only to that mother's own infant. (M) Frozen breast milk shall be thawed under running cold water or in the refrigerator and used within 24 hours. (R) Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been unrefrigerated for more than one (1) hour. (S) Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty-eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F. (T) Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty-four (24) hours;

M.(Z) Juices shall not be offered to infants until they are able to drink from a cup;

N. (AA) Center staff shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup.

### **MEAL COMPONENTS FOR TODDLERS AND OLDER CHILDREN**

356. A Licensee shall ensure that a breakfast served has at least one (1) item each from the milk (A), fruits and vegetables (C) and grain (D) food groups as described in these Regulations.

357. A Licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (A), protein (B) and grain (D) food groups and two (2) items from the fruit and vegetable (C) food group as described in these Regulations.

358. A Licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in these Regulations. (358B) If milk or fruit juice is not included with a snack, water shall also be served with that snack.

359. A Licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, teach and encourage the use of a cup.

## **EARLY CARE AND EDUCATION**

### **POSITIVE BEHAVIOR MANAGEMENT**

361. A Licensee shall have 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 routinely provided to parents/guardians and staff.

362. A Licensee shall ensure that all staff use prevention strategies and positive developmentally appropriate methods of behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility and cooperation.

A. (M) The Center shall consult with professionals and with the parent(s)/guardian(s) to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need(s), including a behavioral and/or emotional disability.

363. A Licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to children, other staff members, parent(s)/guardian(s), and visitors while at the Center.

XXX. (D) “Time-out”, if used, shall be 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 (1) 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. The first step for “time-out” shall be to remove the child from the group but keep the child within eyesight of the group that continues to participate in the activity. If this step is ineffective, the child may be removed from the room so that he/she is unable to participate, observe or hear the activity. A child removed from the group or room shall remain under visual supervision at all times. Children shall never be left unattended behind closed doors.

B. “Time-out” shall be in an area that comfortably accommodates the child. “Time-out” shall be seen as a positive opportunity for the child to regroup and focus on appropriate behavior. Before rejoining the group or returning to the room, staff shall talk to the child about alternatives to the inappropriate behavior in a way that shows faith in the child’s ability to make more positive decisions in the future.

XXX. A Licensee shall ensure that the following actions are prohibited:

A. Corporal punishment inflicted in any way on a child’s body including shaking, hair pulling, biting, pinching, slapping, or spanking shall be prohibited.

B. Children shall not be yelled at, humiliated, frightened, or verbally, physically or sexually abused by staff.

C. Disparaging comments about a child’s appearance, ability, ethnicity, family, or other personal characteristics shall be prohibited.

D. Children shall not be deprived of food or toilet use as a consequence of inappropriate behavior.

E. Children shall not be tied, taped, chained, caged, or placed in mechanical restraints as a consequence of inappropriate behavior.

F. No punitive action shall be taken with children for not going to sleep, toileting accidents, failure to eat all or part of food, or failure to complete a prescribed activity.

## **PROGRAM GOALS AND PLANNING**

378. A Licensee shall ensure that the program in a Center provides physical care routines appropriate to each child’s developmental needs. (189). 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 the either the Early Childhood Administrator, School-Age Administrator, Early Childhood Curriculum Coordinator, or School-Age Site Coordinator when assigned such duty.

374. A Licensee shall develop written goals for children’s development and education. Goals shall include areas of physical, social, emotional, language/literacy, and cognitive development and be appropriate to the ages and developmental levels of the children in attendance at the Center.

375. A Licensee shall have and follow a written plan of varied, developmentally appropriate activities designed to help all children reach the goals described in [Regulation #374](#). The activity plan shall be current and posted for easy reference by parents/guardians and staff. Any changes made in actual activity plan for a particular date shall be documented on the posted activity plan on or before that date. The activity plan shall include at least one (1) daily activity for each goal specified in [Regulation #374](#). Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be identified. The plan shall reflect that the children have the choice to participate in at least four (4) activities each day. The time allotted for such activities shall constitute at least one-third (1/3) of the time the child is in attendance for a particular day. (375A) Adaptations and accommodations of activities, adult-child interactions, teaching strategies, and materials or equipment shall be

made as needed for all children, including those with disabilities, to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans.

A. Activity plans shall be aligned with the *Delaware Early Learning Foundations: Preschool* and *Delaware Early Learning Foundations: Infant/Toddler* and (B) also based on best practices and accepted research in the field of early care and education and in alignment with principles of foundations of learning and development as set forth by the Delaware and/or United States Department of Education.

376. A Licensee shall ensure that activities and materials reflect children's cultures and communities, including both familiar and new materials, pictures, and experiences.

379. 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 both active and quiet play or rest; indoor and outdoor activities; and both free choice and staff-directed activities.

380. A Licensee shall ensure that for toddlers and older children, indoor physical space is organized into activity areas with daily or at least weekly opportunities for children to learn in the following areas:

<u>Daily Activities</u>	<u>Weekly Activities</u>
Language and literacy	Cooking or Food Exploration
Dramatic Play	Science and Nature Investigation
Construction/Blocks	Music and Rhythm
Creative Arts	Multi-Sensory Play
Manipulative/Mathematics/Problem Solving	

382. A Licensee shall ensure that each child, according to his or her ability, is provided the opportunity for a minimum of twenty (20) minutes of moderate to vigorous physical activity indoors and/or outdoors, for every three (3) hours the child is in attendance between the hours of 7:00 am to 7:00 pm.

383. A Licensee shall ensure that screen time activities including television, digital video display (DVD), computer and video cassette viewing be supervised by a staff member and limited to programs, games, and websites that are age-appropriate age and educational. Children shall be protected from exposure to inappropriate websites. Screen time activities are prohibited for children younger than two (2) years of age and require written approval from the parent/guardian of all other children.

## **DOCUMENTING CHILDREN'S PROGRESS**

385. A Licensee shall have an organized system for documenting the annual progress of individual children preschool-age and younger in relation to appropriate developmental and educational goals. (386) The information gathered to document a child's progress shall be kept in the child's file and shared with the parent(s)/guardian(s) at a conference. With the parent(s)/guardian(s)' permission, information may also be shared with other professionals when referring the child for special services.

## **INFANT AND TODDLER CARE**

295. A Licensee shall ensure that approved safety gates are provided and used in stairway areas where infants and toddlers are in care (A) Gates shall have latching devices that adults, but not children, can open easily in an emergency. (B) Pressure or accordion gates shall not be used.

387. A Licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children unless twelve (12) or fewer children in total are present.

390. 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(s) that is used.

391. A Licensee shall provide a rocking chair or other comfortable adult-size seating for at least one-half (1/2) of the staff members on duty in the infant area.

410. A Licensee shall ensure that infants and toddlers do not have access to plastic bags, Styrofoam objects or toys, and objects with a diameter of less than one (1) inch.

XXX A Licensee shall ensure that walkers and other similar devices 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.

### **PROGRAM SPECIFIC TO INFANTS**

392. 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 in care within thirty (30) days of the first day of attendance. The plan shall include both age and individually appropriate goals and describe specific 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 at least three (3) times over a one (1) year period. This information shall be shared with the infant's parent(s)/guardian(s).

393. A Licensee shall ensure that staff keep written daily records of an infant's feeding, sleeping, and other routine activities and share these with the infant's parent(s)/guardian(s) at the end of each day.

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

<b><u>Interactions with Infants</u></b>
Offering frequent face to face interaction with infants when they are awake
Being held and carried
Limiting time spent, while awake, in any confining equipment such as a crib, infant seat, swing, high chair or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided;
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.

## PROGRAM FOR TODDLERS

395. A Licensee shall ensure that with the approval of the Early Childhood Administrator or Early Childhood Curriculum Coordinator, individual plans are developed for each toddler in care within thirty (30) days of the first day of attendance. The plan shall include both age and individually appropriate goals and describe specific 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 at least three (3) times over a one (1) year period. This information shall be shared with the toddler's parent(s)/guardian(s).

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

<b>Interactions with Toddlers</b>
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;
Limiting time spent, while awake, in any confining equipment such as a crib, seat, swing, high chair, or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic 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.

## PROGRAM FOR PRESCHOOL-AGE CHILDREN

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

<b>Interactions with Preschool-Age Children</b>
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;
Helping children develop mathematical and scientific concepts through play, 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;
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.

## PROGRAM FOR SCHOOL-AGE CHILDREN

398. A Licensee shall ensure that when ten (10) or more school-age children are in attendance, the school-age children are cared for in an area physically separated from younger children.

399. A Licensee shall ensure that the outdoor play area for school-age children is physically separated or used at separate times from that provided for children younger than school-age.

400. A Licensee shall ensure that staff interacts with school-age children providing opportunities, materials, and equipment as described in Rule [Regulation #457 of Part III, School-Age Center rules regulations](#).

## EQUIPMENT

401/402. 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.

403. A Licensee shall ensure that for infants and toddlers under eighteen (18) months, the following developmentally appropriate supplies and/or equipment in each of the following categories are provided in quantities as described in [Regulation #402](#):

<b><u>Developmentally Appropriate Supplies/Equipment for Children Under 18 Months</u></b>
Sensory supplies and equipment: teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;
Language/dramatic play supplies and equipment: picture books, toy telephones, tapes or CDs, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment;
Manipulative supplies and equipment: squeeze and grip toys, boxes, sorting and stacking toys, three (3) or four (4) piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment;
Building supplies and equipment: soft lightweight blocks, toy cars, trains and/or boats, figures of animals and people, stacking rings and/or cups, nesting toys, or other comparable supplies or equipment;
Building supplies and equipment: soft lightweight blocks, toy cars, trains and/or boats, figures of animals and people, stacking rings and/or cups, nesting toys, or other comparable supplies or equipment;
Large muscle supplies and equipment: 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: rhythm instruments, tape or CD player and CDs and tapes, toys with musical tones, musical mobiles and/or busy boxes, drums, xylophones and/or pianos, or other comparable supplies or equipment.

404. A Licensee shall ensure that for children over eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule [Regulation #402](#):

<b><u>Developmentally Appropriate Supplies/Equipment for Children Over 18 Months</u></b>
Language/literacy supplies and equipment: books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, and/or classification, poetry, puppets, audio-visual materials, show and tell items, or other comparable supplies or equipment;
Science and math supplies and equipment: plants and gardening equipment, aquarium with fish and/or other appropriate live animals, water table with supplies, sand table with supplies, cooking supplies, weather chart and/or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;
Manipulative supplies and equipment: puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;
Large muscle equipment: rocking boat, wheel toys, climbers, slides, balance beam, barrels and/or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies and equipment;
Building activities: unit blocks (minimum of four (4) sizes), transportation toys, farm animals, play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;
Art supplies and equipment: 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;
Music supplies and equipment: tape/CD player, tapes or CDs, piano and/or organ, guitar, rhythm sticks, drums, cymbals and bells, tape recorder, or other comparable supplies and equipment; and
Dramatic play supplies and equipment: toy dishes, ironing board, telephones, occupational props and/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.

405. 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 ~~lose~~ loose pieces and are free from recall.

406. 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.

407. 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.

408. 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.

409. A Licensee shall prohibit toys that explode or fire projectiles.

**PART II**

**ADDITIONAL PROVISIONS FOR**  
**NIGHT CARE**

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## GENERAL

416. Night Care may be provided by a Center licensed to provide only Night Care or as a component of a licensed Center.

417. A Center licensed to provide only Night Care shall be exempt from the following regulations in Part I, **GENERAL PROVISIONS**:

- A. Regulations #191 & 193 (Number of Staff); and
- B. Regulations #203 - 217 (Outdoor Area).

## STAFFING

428. A Licensee shall ensure that staff members are awake at all times and monitor sleeping children.

XXX. A Licensee shall ensure that a single staff member provides no more than sixteen (16) hours of child care within a twenty-four (24) hour period with at least seven (7) consecutive hours of rest off the Center's premises. No other employment shall be permitted during the hours of rest.

429. A Licensee shall ensure that when children one (1) year and older are sleeping at least one-half (1/2) of the required staff complement are physically present with the children and directly observing the children.

430. A Licensee shall ensure that at least two (2) staff are present and with the children at all times when four (4) or more children one (1) year and older are present.

- A. When only one (1) staff member is present with the children, the Licensee shall have emergency procedures providing immediate access to emergency service and additional staff available at the Center within one (1) minute of being contacted.
- B. When only one (1) staff member is present with the children, the staff member shall have no other responsibilities than direct child care during that time.

## ACTIVITIES

431. A Licensee shall ensure that a program of activities is provided to children before bedtime.

432. A Licensee shall ensure that each child is given individual attention at bedtime and upon awakening.

- A. The Licensee shall discuss with the parent(s)/guardian(s) 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.

## SECURITY

418. A Licensee shall show evidence of a security program to ensure that access to children is

limited to authorized persons.

419. A Licensee shall ensure that the exterior of the building is illuminated in accordance with [Regulation #269](#).

## **SLEEPING ARRANGEMENTS**

420. 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.

421. A Licensee shall ensure that children over the age of seven (7) years do not share a dressing area with persons of the opposite sex.

422. A Licensee shall ensure that each child is provided with sleeping equipment as specified in [Regulations #224-229](#).

A. For children sleeping four (4) 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. (B) The Licensee shall also provide a pillow with a pillowcase for a child in a bed.

423. A Licensee shall ensure that each child has individual, clean, and comfortable sleeping garments.

## **BATHING AND GROOMING**

424. A Licensee shall follow the parent(s)/guardian(s)' preference regarding bathing the child as discussed with the parent(s)/guardian(s) and noted in the child's record.

A. (F) Each child shall be bathed individually and not placed together in a bathtub, shower, or portable bathing equipment. Bathing equipment shall be cleaned and sanitized before each use and (A) equipped to prevent slipping. (B) An infant shall be bathed in age-appropriate bathing equipment. (D) No child may be bathed in a sink utilized for cleaning dishes and/or utensils.

B. (G) Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.

C. (H) Individual towels and washcloths shall be provided for each child.

425. A Licensee shall ensure that no child is left unsupervised while in a bathtub or shower.

A. A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). 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.

426. A Licensee shall ensure that there is a nightlight in the bathroom, hallway and sleeping areas as dictated by the individual needs of the children.

427. 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.

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**PART III**

**ADDITIONAL PROVISIONS FOR**

**SCHOOL-AGE CENTERS**

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**GENERAL**

433. 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 and/or after school, during school holidays, and/or summer months.

434. A School-Age Center shall comply with all regulations contained in this document except for these designated regulations in Part 1, General Provisions from which they are exempt:

- A. Rules Regulations # 232 – 235 (Number of Toilets);
- B. Rule Regulation #296 (General Safety Practices – Outlet Covers);
- C. Rules Regulations #354, 359 & 360 (Infant and Toddler Food and Nutrition);
- D. Rules Regulations #385 & 386 (Documenting Children’s Progress);
- E. Rules Regulations #387 - 391 (Infant And Toddler Care);
- F. Rules Regulations #392 - 394 (Program For Infants);
- G. Rules Regulations #395 & 396 (Program For Toddlers);
- H. Rule Regulation #397 (Program for Preschool-Age Children); and
- I. Rule Regulation #410 (Equipment).
- K. School-Age only programs located in a public or private school are exempt from the covered trash can requirement found in Regulation #200.

**SCHOOL-AGE STAFF POSITIONS****School-Age Administrator**

439. A Licensee shall ensure that a School-Age Administrator is at least twenty-one (21) years of age and is (159) fully qualified as an Early Childhood Administrator with at least fifteen (15) clock hours of approved training in school-age care or meets the following education and experience qualification:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College/University Credits<sup>1</sup></u>	<u>Experience<sup>2</sup></u>
<u>At least a Bachelor Degree or Associate Degree from a regionally accredited college or university</u>	<u>Recreation, Elementary Education, School-Age Care or School-Age Administration</u>	<u>Successful completion of at least fifteen (15) credit hours from a regionally accredited college/university with at least three (3) credit hours in child development/learning, environment/curriculum, social emotional development, and observation/assessment</u>	<u>Eighteen months (18) experience working with children kindergarten through sixth grade in a group setting.</u>

<sup>1</sup> Possession of an Administrator’s credential issued by the Delaware Department of Education (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 (3) college/university credits.

<sup>2</sup> Three (3) months supervised student teaching of children kindergarten through sixth grade may substitute for six (6) months of the required experience.

**School-Age Site Coordinator**

440. A Licensee shall ensure that a School-Age Site Coordinator is at least twenty (20) years of age and meets the following education and experience qualification:

<b><u>Education</u></b>	<b><u>Area of Study/Major</u></b>	<b><u>Regionally Accredited College/University Credits<sup>1</sup></u></b>	<b><u>Experience<sup>2</sup></u></b>
<u>At least a high school diploma or equivalent recognized by the Delaware Department of Education</u>	<u>Any</u>	<u>Successful completion of at least twelve (12) college/university credits in recreation, elementary education, school-age care, or school-age administration</u>	<u>Twelve months (12) experience working with children kindergarten through sixth grade in a group setting.</u>
<p><sup>1</sup> <u>Possession of a school-age credential issued by the Delaware Department of Education (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 (3) college/university credits.</u></p> <p><sup>2</sup> <u>Three (3) months supervised student teaching of children kindergarten through sixth grade may substitute for six (6) months of the required experience.</u></p>			

### School-Age Site Assistant

442. A Licensee shall ensure that a School-Age Site Assistant is at least 18 years of age and meets one (1) of the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College/University Credits or quality-assured training</u>	<u>Experience</u> <sup>1</sup>
<u>High School Diploma or equivalent recognized by Delaware Department of Education</u>	<u>All areas of study</u>	<p><u>Successful completion of three (3) credits in recreation, elementary education, school-age care, or school-age administration</u></p> <p><u>-or-</u></p> <p><u>Forty-five (45) clock hours of quality-assured training related to the needs of the school-age children served</u></p>	<p><u>Part-time employment for one (1) school year from September to June providing education/care to children kindergarten through sixth grade in a group setting</u></p> <p><u>or</u></p> <p><u>Full-time employment during the majority of one (1) summer season (June through August) providing education/care to children kindergarten through sixth grade in a group setting</u></p>
<u>High School Diploma or equivalent recognized by Delaware Department of Education</u>	<u>All areas of study</u>	<p><u>Successful completion of Delaware First's "Moving Youth Ahead," "Youth Development," "School-Age: Supporting Social Emotional Wellness," "Child Development," or other similar training approved by the Office of Child Care Licensing or its designee within twelve (12) months of employment</u></p>	<p><u>Part-time employment from September to June for two (2) school years or full-time employment for one (1) school year providing education/care to children kindergarten through sixth grade in a group setting</u></p> <p><u>or</u></p> <p><u>Full-time employment during the majority of two (2) summer seasons (June through August) providing education/care to children kindergarten through sixth grade in a group setting</u></p>
<p><sup>1</sup><u>Supervised experience may be substituted for the required experience and will reduce it by one-half.</u></p>			

### **School-Age Intern**

443. A School-Age Intern must be at least sixteen (16) years of age (or fifteen (15) years of age if attending a vocational/technical high school's three-year (3) 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), at least four (4) years older than any child in his/her direct care, always work under the direct supervision 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 (1) the following qualifications:

<u>Education</u>
<u>At least successful completion of at least three (3) college/university credits from a regionally accredited college/university in recreation, elementary education, school-age care, or school-age administration.</u>
-or-
<u>At least successful completion of fifteen (15) clock hours of quality-assured training such as "Moving Youth Ahead," "Youth Development," "School-Age: Supporting Social Emotional Wellness," or other similar training approved by the Office of Child Care Licensing or its designee completed within twelve (12) months of employment.</u>
-or-
<u>Successful completion of the education requirement for any higher level position contained in these regulations.</u>

### **School-Age Aide**

XXX. A School-Age Aide must be at least sixteen (16) years of age (or fifteen (15) years of age if attending a vocational/technical high school's three (3) 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), always works under the direct supervision 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 twelve (12) months of cumulative employment as a School-Age Aide.

### **STAFFING**

445/446. A Licensee shall ensure that a School-Age Center has at least one (1) staff member who meets the qualifications for the position of School-Age Administrator. When a School-Age Administrator is responsible for more than one (1) Center, the School-Age Administrator is required to make, at a minimum, a continuous thirty (30) minute visit per week at each School-Age Center.

447. A Licensee shall ensure that a School-Age Center has at least one (1) 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 (1) School-Age Center.

448. 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 fifty (50) percent of the hours of operation.

449. A Licensee shall ensure that a School-Age Site Coordinator is responsible for no more than two (2) School-Age Centers.

450. A Licensee shall ensure that a School-Age Center has at least one (1) staff member who at least meets the qualifications for and fills the position of School-Age Site Assistant.

451/451A. 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 as stated in these Regulations 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 in the supervision of children and staff.

## **OUTDOOR PLAY AREA**

452/452A. A Licensee shall have plans approved by the Office of Child Care Licensing for a safe outdoor play area. This outdoor space for running and games may be provided at the Center or by excursions to public or private playgrounds.

453. A Licensee operating a School-Age Center at a public or private school shall be able to use that school's playground as the outdoor play area upon approval by the Office of Child Care Licensing.

## **TOILET FACILITIES**

454. A Licensee shall ensure that the School-Age Center has one (1) toilet and sink for every twenty-five (25) school-age children, based on licensed capacity.

- A. Urinals shall be counted as one-half (1/2) of a toilet for the purposes of this calculation provided that the population served includes a significant number of males and that a minimum of two (2) flush toilets are available and accessible to both males and females.
- B. Children shall be given privacy in toilet use unless assistance is required.

## **TRANSPORTATION**

455. A Licensee shall document arrangements with parents/guardians and their children's schools regarding any transportation provided by the Licensee to and from the School-Age Center.

## FOOD AND NUTRITION

456. A Licensee shall ensure that at a minimum, a nutritious snack comprising of one (1) item from two (2) of the four (4) food groups as described in [Regulation #346](#) is served to each child in after school care.

- A. 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 (2) hours.
- B. If milk or fruit juice is not included with a snack, water shall also be served with that snack.

## CHILD CARE ACTIVITIES

457. 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 (E) As described in [Regulation #404](#), 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 (F) 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.(G) 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(H) various communities, languages, and cultures of the children in attendance.

C. Daily and monthly activities for school-age children shall include the following:

Activities for School-Age Children	
Daily	Monthly
(A) Opportunities for active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment;	(D) 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.
(B) 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	
(C) Opportunities for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.	