

Proposed – Fall 2003

DELAWARE

REQUIREMENTS RULES FOR DAY EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS

OFFICE OF CHILD CARE LICENSING

STATE OF DELAWARE DIVISION OF FAMILY SERVICES

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES STATE OF DELAWARE

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NOTICE OF RESCISSION AND PROMULGATION

The Office of Child Care Licensing, Division of ~~Program Support~~ Family Services, Department of Services for Children, Youth and Their Families adopts and promulgates the following requirements rules for day early care and education and school-age centers as authorized in the Delaware Code, Title 31, Subchapter II, Subsections 341-~~344~~ 345, also known as “The Delaware Child Care Act”. The terms “Early Care and Education and School-Age” Centers are now used in the field instead of “day care” centers. The Code refers to these types of licensed facilities as day care centers. All previous rules, regulations and standards pertaining to such facilities are null and void except to the extent all rules, regulations, standards, enforcement actions, decisions, investigations and the like previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding promulgations of these regulations or rules. These requirements rules shall take effect on September 1, 1988 (add new date).

Charles E. Hayward Cari DiSantis, Secretary

Date

Virginia D. Miller Carlyse Giddins, Director
Division of ~~Program Support~~ Family Services

Date

FOREWORD

Day **Early Care and Education and School-Age Care**, generally known as “day care” or “child care”, is the most commonly **are the terms now** used term to refer to the range of services available for children who are away from their own homes for a part of the day. Generally parents/**guardians** seek substitute care for reasons of employment, although a variety of situations prompt the need for day care **outside of their own homes**. The primary characteristic of day **these types of care arrangements** is the delegation by the parent(s)/**guardian(s)** of the responsibility for the care, **education**, and protection, **supervision or guidance** of the child to the day **early care and education or school-age care** provider.

The need for protecting children receiving care outside their own homes was recognized by the Delaware General Assembly as early as 1915. Since 1950, Delaware has ~~required~~ **currently requires** child-day **early care and education and school-age facilities centers** to be licensed as authorized in the Delaware Code, Title 31, Subchapter II, Subsections 341- 344 ~~345~~, also known since July, 2001 as “**The Delaware Child Care Act**”. The licensing law defines the types of facilities that are to be regulated by the State, and gives the authority to ~~“prescribe reasonable standards”~~ **“prescribe, by regulation or otherwise, any reasonable standards”** and ~~“license such facilities”~~ **“license such of these (facilities)”** to the Department of Services for Children, Youth and Their Families **Office of Child Care Licensing**. The purpose of the law is to protect the health, safety and well-being of the children who receive care in day **early care and education and school-age facilities centers**. Licensing of these facilities is a preventive function which has as its purpose setting requirements **rules** which must be met in order for a facility to be able to operate.

In developing the current revision of Day **Early Care and Education and School-Age Center Licensing Requirements Rules**, the Department **Office of Child Care Licensing** sought the advice and assistance of knowledgeable persons representative of the field of child-care **early care and education and school-age care and those whose interests are affected by the rules**. These new requirements **rules**, now under the title of “**Delaware: Requirements Rules for Day Early Care and Education and School-Age Centers**”, were primarily drawn from the Model Child Care Standards Act – Guidance to States to Prevent Child Abuse in Day Care Facilities, January 1985; **other Delaware facility rules concerning the care of children**, the licensing requirements **rules** of other states, and **current** research in child development, **early care and education** and health **and safety care issues** related to day **children in care**, **statistical and demographic reports**, and **national professional accreditation standards**.

The requirements **rules** are divided into five **three (3)** distinct parts. The first part contains requirements **rules** which **that** must be met by all day **early care and education and school-age** centers in order to be licensed. The remaining **four** parts contain separate **additional requirements rules** for facilities providing specialized services - **night care and care in school-age centers**. Through this design, the Department **Office of Child Care Licensing** has attempted to define specific requirements **rules** rather than broad standards so that compliance can be measured more accurately and consistently.

The Department **Office of Child Care Licensing** sincerely appreciates the contribution and efforts of all the individuals involved in the development of **Delaware: Requirements Rules for Day Early Care and Education and School-Age Centers** and asks for their continued support in working together to provide better care and services to children in day care centers.

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The following individuals participated in the task force that developed
Delacare: Rules for Early Care and Education and School-Age Centers:

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INTRODUCTION

LEGAL BASE

1. The legal base for these licensing requirements **rules** is in the Delaware Code, Title 31, Chapter 3, Subchapter II, Subsections 341-344~~345~~ and Title 29, Chapter 90, Subsection 9003 (7).

PURPOSE

2. The overall purpose of these requirements **rules** is the protection **and promotion** of the health, safety, and well-being, **and positive development** of children who receive services in **day early care and education and school-age** centers. **These rules 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 rules or standards set by the Office of Child Care Licensing.**

PART I. GENERAL PROVISIONS

DEFINITION OF REGULATED SERVICE

3. **Day Early Care and Education and School-Age** Centers provide care, **education**, protection, supervision **and or** guidance for thirteen (13) or more children, including preschool 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.** The following facilities which operate for less than twenty-four (24) hours per day are not included in the definition of day care center:
 - A. ~~Summer camps licensed by the Division of Public Health, or summer schools or classes for religious instruction conducted by churches during summer months known as Vacation Bible Schools, for periods not to exceed four (4) weeks during a twelve (12) month period.~~
 - B. ~~Child care facilities established in connection with a religious institution, a business, or recreation center, in which children are provided care for brief periods of time, while parents are on the premises.~~
 - C. ~~Any public or private school that provides regular and thorough instruction through at least the sixth (6th) grade in the subjects prescribed for the schools of the State, in a manner suitable to children of the same age and stage of advancement, and that reports to the State Board of Education pursuant to 14 Del. C., Chapter 27, 2704. This exclusion shall include all programs operated by such schools and shall also include preschool education programs for handicapped persons as defined by 14 Del. C., Chapter 31, 3101 (4).~~
 - D. ~~Preschool, kindergarten and school age programs operated independently for no more than four (4) hours per day and such preschool or kindergarten programs which operate two (2) schedules or no more than four (4) hours each with each session admitting different children.~~

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 rules.
5. Private schools that provide direct child care to infants, toddlers and preschool-age children shall be required to license the infant, toddler and preschool components of their school under these rules. Such schools that were exempt from licensure before the effective date of these rules shall have two (2) calendar years from the effective date to become licensed.
6. Private schools that provide direct child care outside the regular hours of instruction for school-age children in kindergarten through the twelfth grade shall be required to license the school-age care component of their schools under these rules. Such schools that were exempt from licensure before the effective date of these rules shall have two (2) calendar years from the effective date to become licensed.
7. The following facilities that operate for less than twenty-four (24) hours per day shall be exempt from licensure under these rules:
 - A. Camps permitted or exempted 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 religious institution, a business, or recreation center, 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;
 - F. Any public or private school or school district only during the hours in which regular and thorough instruction is provided for children in kindergarten through at least the sixth (6th) grade in the subjects prescribed for the schools of the State in a manner suitable to 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, Subsection 2704; and
 - G. Any public school's infant, toddler, preschool and school-age care component directly operated by such public school.

48. The requirements ~~rules~~ are divided into five (5) ~~three (3)~~ parts:
 - Part I - General Provisions;
 - Part II - Drop-in Care
 - Part III - Night Care; and
 - Part IV - School-Age Care Center
 - Part V - Specialized Day Care

59. To be licensed as a an Day Early Care and Education and School-Age Center, the General Provisions of Part I must shall be met. In addition, Day-Care Centers must shall also meet the following requirements rules before providing the following services Night Care or operating a School-Age Center:
- A. ~~_____~~ To provide Drop-in Care, a Day Care Center must also meet Part II requirements.
 - B. A. To provide Night Care, a an Day Early Care and Education Center must shall also meet Part III II requirements rules; or
 - C. B. To provide operate a School-Age Care Center, a Day-Care Center must shall also meet Part IV III requirements rules.
 - D. ~~_____~~ To provide Specialized Day Care, a Day Care Center must also meet Part V requirements.

DEFINITION OF TERMS

10. "Approved training" means training programs (community-based and conference training) that lead to professional development and have been reviewed and approved by the Office of Child Care Licensing's *Delaware First Training Approval System* prior to the presentation of such training.
6. "Assistant Caregiver" means a person, working under the observation and supervision of a caregiver or Program Director, who performs direct child care functions and related duties and meets the qualifications specified in Requirement 86.
7. "Caregiver" means a person immediately responsible for the direct care, supervision, guidance and education of children at a Center who plans and monitors the program of daily activities for a group(s) of children, supervises Assistant Caregiver(s) and meets the qualifications specified in Requirement 85.
8. "Chief Administrator" means the person designated by the governing body of a Center to assume direct responsibility for and continuous supervision of the day-to-day operation of the Center. The Chief Administrator may also be the owner and/or Program Director.
11. "Center" means the licensed early care and education and/or school-age center.
912. "Child" means a person who has not reached the age of eighteen (18) years.
13. "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 Subsection 468 of Title 11, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment as defined in Delaware Code, Title 16, Chapter 9, Subsection 902.
14. "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, Subsection 902.
15. "Child Sex Abuse" means any sexual offense or child exploitation as defined in Delaware Code, Title 11, Chapter 85, Subsection 8550.
4016. "Child with Special Needs Disabilities" means a child who has been diagnosed by an appropriate a qualified professional as having a physical, intellectual, emotional, developmental or chronic medical conditions(s) or impairments(s) which would require significant modifications(s) in the regular program of activities for that child at a Center.
17. "Clock Hour(s)" means the actual number of hours spent in or assigned to a training session.
18. "Community-based training" means approved training offered by an individual, such as an entrepreneurial trainer, or agency or organization to early care and education and school-age care professionals. Clock hours are usually given for training successfully completed.
19. "Conference training" means the approved training portions of conferences. Clock hours are usually given for training successfully completed.

20. "Core Curriculum" means the training curriculum package developed for early care and education and school-age care professionals through the Office of Child Care Licensing's *Delaware First* program.
11. "Direct Child Care" means the care, supervision, guidance and education of children.
21. "*Delaware First*" means the Office of Child Care Licensing's Career Development System for early care and education and school-age care professionals.
1222. "Department" means the Department of Services for Children, Youth and Their Families.
23. "Direct Child Care" means the providing of care, education, protection, supervision or guidance of children.
24. "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 and are visually monitoring the interactions of children and/or staff.
1325. "Division" means the Division of Program Support Family Services within the Department.
14. "Drop-in Care" means the day care of children on a one-time, occasional or unscheduled basis to meet the short-term needs of families, some of which may be due to shopping, recreation and tourism.
26. "Early Care and Education" means the care, education, protection, supervision or guidance of children.
27. "Early Childhood Administrator" means a staff member with direct responsibility for the Center's total program of services provided to children and their families. 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 the Early Childhood Curriculum Coordinator, and when necessary, Early Childhood Teachers and meets the qualifications specified in Rules #139 and when applicable, 140, 142 and/or 143.
28. "Early Childhood Assistant Teacher" means a staff member 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. The Early Childhood Assistant Teacher may supervise Early Childhood Interns, Volunteers and Substitutes and meets the qualifications specified in Rules # 145 or when applicable, 146.
29. "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 a 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. The Early Childhood Curriculum Coordinator may supervise Early Childhood Teachers, Early Childhood Assistant Teachers, Early Childhood Interns, Volunteers and Substitutes and meets the qualifications specified in Rules #141 and when applicable, 142 and/or 143.

30. "Early Childhood Intern" means a staff member who works under the supervision and direct observation of at least an Early Childhood Assistant Teacher and performs direct child care functions and related duties and meets the qualifications specified in Rule #147.
31. "Early Childhood Teacher" means a staff member who 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(s) of children. The Early Childhood Teacher may supervise Early Childhood Assistant Teachers, Early Childhood Interns, Volunteers and Substitutes and meet the qualifications specified in Rule #144.
32. "Family" means 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.
1533. "Field Trip" means an excursion trip or program activity off the Center property requiring the use of vehicles.
1634. "Governing Body" means the entity with 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.
35. "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.
36. "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.
37. "Individualized Educational Program" (IEP) means a written statement of a child's educational program which identifies the services for a child with disabilities or special needs so that he or she may grow and learn during the school year. To develop an IEP, the local education agency officials and others involved in the child's educational program meet to discuss education related goals.
38. "Individualized Family Service Plan" (IFSP) means a document written at least once each year by the parent(s)/guardian(s) and personnel serving infants/toddlers with disabilities or special needs.
1739. "Infant" means a child younger who is less than twelve (12) months of age one (1) year old.
1840. "License" means the Office of Child Care Licensing's granting of authority through a written provisional or annual certification, issued by the Department, of to a Center's authorization licensee at the Center's location to operate under applicable State Law(s).
41. "Licensee" means the entity legally responsible for a licensed Center.
42. "Licensing Specialist" means the individual licensing specialist representing the Office of Child Care Licensing responsible for performing regulatory and enforcement activities in the licensure of early care and education and school-age centers.

1943. "Meal" means breakfast, lunch or dinner.
2044. "Night Care" means care for any child between the hours of 7:00 P.M. and 7:00 A.M. when the period includes any portion of the child's normal sleeping hours.
45. "Office of Child Care Licensing" means the organization within the Department authorized under Delaware Code, Title 31, Chapter 3 to promulgate and enforce rules, regulations and standards for the conduct of child care, including the licensing thereof, and the development and implementation of policies and procedures.
46. "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.
2147. "Parent(s)/guardian(s)" means the child's natural or adoptive mother or father or other legally responsible person a birth or adoptive parent, legal guardian or any other person having responsibility for, or legal custody of, a child.
48. "Personnel Registry" means the Office of Child Care Licensing's *Delaware First* database system that maintains training records of early care and education and school-age care professionals. An annual transcript is provided with formal documentation of training.
2249. "Preschool-Age Child" means a child two (2) three (3) through four (4) five (5) years of age who is not yet attending a public or private kindergarten program.
50. "Professional Development" means the essential knowledge and skills needed for those in the early care and education field.
23. "Program Director" means the employee of the Center with direct responsibility for developing, implementing and supervising the total program of services provided to children.
2451. "Regularly or on a regular basis" means day 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.
52. "Secretary" means the Secretary of the Department of Services for Children, Youth and Their Families.
53. "School-Age Administrator" means a staff member of a School-Age Center with direct or supervisory responsibility for the Center's total program of services provided to children and their families. 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 School-Age Site Coordinators and when necessary, School-Age Site Assistants and meets the qualification specified in Rules #405 & 406.
2554. "School-Age Care" means care, education, protection, supervision or guidance for school-age children in any of the following circumstances: before and/or after school; and full-time during school holidays; and/or summer months.
55. "School-Age Center" means a Center that exclusively provides care for school-age children.

2656. "School-Age Child" means a child five (5) years of age or older who is attending kindergarten or higher grade in a public or private school. A child shall be considered school-age for staff /child ratio purposes beginning the first day attending kindergarten.
57. "School-Age Intern" means a staff member of a School-Age Center who works under the supervision and direct observation of at least a School-Age Site Assistant and performs direct child care functions and related duties and meets the qualifications specified in Rule #410.
58. "School-Age Site Assistant" means a staff member of a School-Age Center who works under the supervision of at least a School-Age Site Coordinator and performs direct child care functions and related duties and assists in the implementation of curriculum. The School-Age Site Assistant may supervise School-Age Interns, Volunteers and Substitutes and meets the qualifications specified in Rule #409.
59. "School-Age Site Coordinator" means a staff member of a School-Age Center who works under the supervision of the School-Age Administrator and is immediately responsible for the day-to-day operations of the 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, Volunteers and Substitutes and meets the qualifications specified in Rules #407 and, when applicable, 408.
2760. "Snack" means supplemental food served between meals.
28. ~~"Specialized Day Care" means care to children with special needs which necessitate more than usual personal care and/or special equipment or architectural features in the facility.~~
61. "Staff or Staff Member" means any full or part time employee of a Center including volunteers or substitutes.
62. "Substitute" means a temporary staff member who works under the supervision and when necessary, under the direct observation of at least an Early Childhood Assistant Teacher and fills a position during the absence of a staff member.
63. "Supervision" (of children) means the appropriate number of staff members are physically present in the area or room where children are being cared for and are providing watchful oversight and timely attention to the children's actions and needs.
64. "Supervision" (of staff) means staff in supervisory positions (Early Childhood Administrator, Early Childhood Curriculum Coordinator, Early Childhood Teacher, Early Childhood Assistant Teacher) who are responsible for the evaluation and monitoring of assigned staff members. When necessary, 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.
2965. "Toddler" means a child between the ages of twelve (12) and twenty-four (24) months who is one (1) to three (3) years of age.

30. "Training" means participation in any formal activity related to improvement in an employee's skills or knowledge related to job performance excluding routine supervision and including participation at conferences, workshops, relevant courses and in-service training sessions.

66. "Variance" means the nontransferable written authorization issued by the Division to use alternative means which meet the intent of the specific licensing rule(s) and is based on the need(s) or circumstance(s) of the Center.

67. "Volunteer" means any person who provides an unpaid service or support to a Center. Volunteers shall be under the supervision and, when necessary, the direct observation of at least an Early Childhood Assistant Teacher.

68. "Working Day(s)" means any weekday Monday through Friday but not including the weekend (Saturday and Sunday) and a State of Delaware legal holiday that falls on a weekday.

GENERAL REQUIREMENTS LICENSING PROCESS AND PROCEDURES

License Required To Operate

3170. No person shall operate, establish, manage, conduct, assist in or maintain a Day Care Center, or hold out, advertise or represent by any means to do so, without first obtaining a license from the Department pursuant to 31 Del.C., Chapter 3. Any person so involved shall be subject to criminal or civil penalties in accordance with State Law. An agency, corporation, partnership or individual shall not operate or maintain a Center unless issued a license to do so by the Office of Child Care Licensing.

Authority To Inspect

71. An applicant or licensee shall allow access to the premises 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 rules. On-site inspections may be conducted without prior notice.

72. An applicant or licensee shall permit any authorized representative of the Office of Child Care Licensing access to information, files and records relevant to determining compliance with applicable provisions of these rules and to interview any staff member, or child.

Issuance of License

73. To qualify for a license, an applicant or licensee shall demonstrate to the satisfaction of the Office of Child Care Licensing that the Center is in full or substantial compliance with applicable provisions of these rules.

3274. A license shall be issued only to the Center for which application is made and for the address of the Center's actual site on the application, and shall not be transferable, assignable or subject to sale.

Posting of License

75. A licensee shall post its current license to operate a Center in a place conspicuous to the public.

License for Each Center Site Location

76. A separate application shall be made for each Center site location.

77. A Center that operates in two (2) or more buildings at the same site location shall have the option of applying for a single license for all buildings at the site location, or for a separate license for each building at the site location.

78. 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.

79. A license shall not be transferable, assignable or subject to sale.

Nullification of License

3380. When a Center is sold, leased or discontinued or the operation has moved to a new location or the license has been revoked, the current license shall immediately become null and void and shall be returned to the Department.

~~34. A Center shall comply with the applicable provisions of Titles VI and VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, Executive Order No. 11246 of September 24, 1965, and any other Federal or State anti-discriminatory act, law, statute, regulation or policy, along with all amendments and revisions of such laws:~~

~~35. The Department may investigate or visit any Center licensed, with or without notice, to examine the condition of the Center. The Chief Administrator shall allow authorized Department representatives access to any information reasonably related to compliance with applicable licensing requirements:~~

~~A. A Center shall admit representatives of the Department and furnish all reasonable facilities for thorough examination of its records and reports:~~

~~36. The Department is authorized to request the appropriate State and local fire, health and building officials to conduct inspections and examinations of a Center to determine compliance with State and local ordinances, codes and regulations with reports submitted to the Department.~~

Complaint Procedure

3781. An investigation by the Office of Child Care Licensing shall be made if a complaint is received by the Department. The Department Office of Child Care Licensing shall notify the Center licensee that a complaint is being investigated. The results of the Department's Office of Child Care Licensing's investigation shall be reported in writing to the Center investigated. If the complaint is substantiated or if any other violations are found as a result of the investigation, the Center licensee shall be required to abate the violations and come into full compliance with State Law and the rules and regulations promulgated by the Department Office of Child Care Licensing.

TYPES OF LICENSES

Annual License

~~3882.~~ An annual license is issued when the Center meets all the **Requirements for Day Care Centers** Office of Child Care Licensing determines that a licensee is in full compliance with applicable provisions of these rules. An annual license is effective for one (1) year from the date of issue, unless it is revoked or surrendered sooner.

83. An annual license is effective for one (1) year from the date of issuance, unless it is:

- A. Modified to a provisional license;
- B. Is revoked;
- C. Surrendered prior to the expiration date; or
- D. Suspended.

Provisional License

~~3984.~~ A provisional license may be issued for a period of time not to exceed six (6) months from the date of issuance when the Department Office of Child Care Licensing determines that an applicant or licensee is in substantial, but not full, compliance with applicable provisions of these rules, provided that:

- A. An applicant is temporarily unable to comply with all of the requirements in the **Requirements for Day Care Centers**.
- BA. The effect of non-compliance to any rule or regulation does not present or will not present an unreasonable **There is no serious** risk to the health, safety and well-being of the children or staff of the Center; and
- CB. The Center **A licensee** has a plan of correction that has been approved by the Department submitted to the Office of Child Care Licensing and the Office of Child Care Licensing has approved a written corrective action plan.

A provisional license may also be issued when a Center is initially licensed. A provisional license may be issued for up to one year and may not be renewed.

85. The Office of Child Care Licensing may issue as many consecutive provisional licenses as it deems necessary. However, a licensee shall not operate pursuant to provisional licenses for more than twelve (12) consecutive months.

~~4086.~~ A provisional license may be replaced with an annual license when all of the following conditions exist the Office of Child Care Licensing determines that a licensee has corrected all violations in advance of the expiration date of the provisional license and has come into full compliance with applicable provisions of these rules.

- A. The Center corrects the deficiencies related to the requirements in advance of the expiration date of the provisional license and no additional areas of non-compliance exist.
- B. Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence provided by the Center.

C. ~~All other terms of the license remain the same.~~

4187. A request to replace a provisional license and to issue an annual license must ~~shall~~ be made in writing by the Center ~~licensee~~. If the request is approved, an annual license shall be issued.

PROCEDURES FOR INITIAL LICENSURE

4288. An applicant must ~~shall~~ apply for a license on a form provided ~~and in a manner prescribed~~ by the Department ~~Office of Child Care Licensing~~.

4389. ~~Within ninety (90) days after~~ Upon receipt of a completed application, a ~~an~~ Department ~~Office of Child Care Licensing~~ representative will make a reasonable effort to ~~shall~~:

A. ~~Provide consultation to aid the applicant in complying with the~~ **Requirements for Day Care Centers;**

BA. Review the application, confer with the applicant, and inspect the premises for which the application is made ~~to determine whether the applicant has fully complied with applicable provisions of these rules;~~

C. ~~Request appropriate authorities to verify compliance with applicable fire safety regulations, environmental health regulations, nutritional standards, building codes, zoning ordinances and other State and local laws;~~

DB. Make a recommendation to the ~~Division Director~~ ~~Office of Child Care Licensing~~ regarding licensure ~~the issuance of a license~~. If a license is granted, it shall be an initial provisional license issued for six (6) months. An annual license shall be issued if ~~when~~ the Center licensee fully meets all ~~the applicable provisions of these~~ requirements ~~rules~~ set forth in the **Requirements for Day Care Centers**. If a license is denied, the Center shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision; ~~or~~

C. ~~If an initial license to operate is denied, notify the applicant in writing of the reason(s) for denial and set forth the applicant's rights to an appeal from the decision.~~

90. ~~The expiration date of the first annual license and each subsequent renewal of an annual license shall be at one (1) year intervals from the initial date of issuance.~~

ANNUAL LICENSING PROCESS **PROCEDURES FOR LICENSE RENEWAL**

4491. A Center licensee shall request from ~~submit a written request to~~ the Department ~~Office of Child Care Licensing to seek~~ a license ~~renewal~~ application form at least ninety (90) ~~calendar~~ days before the expiration ~~date~~ of the Center's current license.

4592. A Center licensee shall submit the ~~a~~ completed application ~~for a license renewal~~ to the ~~Division Office of Child Care Licensing~~ at least sixty (60) ~~calendar~~ days before expiration of the ~~Center's~~ current license.

46. ~~The Department may conduct a review, including an on-site visit of the Center, no later than thirty (30) days before expiration of the current license.~~

93. ~~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.~~

94. A provisional license may be renewed when the Office of Child Care Licensing determines that a licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve full compliance with applicable provisions of these rules.

47. The Department representative shall make a recommendation to the Division Director regarding licensure. An annual license shall be issued if the Center meets all the requirements set forth in the **Requirements for Day Care Centers**. If a license is denied, the applicant shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision. If the Department cannot complete its review within the period set out in 43, the Division Director may extend the license for a period not to exceed thirty (30) days.

TERMS OF A LICENSE

95. The license shall contain the following:

- A. Status of the license: annual, provisional or extension;
- B. Effective date of the license;
- C. Expiration date of the license;
- D. The maximum number of children who may be served at one (1) time; and
- E. The applicable type of regulated service for which authorization to operate has been granted.

96. A licensee shall operate a Center within the terms of its license.

CHANGES AFFECTING LICENSE

4897. A Center The Office of Child Care Licensing shall notify the Department in writing at least ninety (90) days before determine whether to modify a current license or to require the licensee to submit an application for a new license when any of the following changes occur:

- A. A planned change of ownership and/or sponsorship;
- B. A planned change in location, name and/or telephone number of the Center;
- C. A planned reduction, addition or substantial change in the indoor or outdoor spaces of the Center.
- D. A planned change in the Chief Administrator name of the Center;
- E. A substantial planned change in the applicable type of regulated services authorized; or provided and/ or population served;
- F. A planned change in hours of operation.
- G. The Center shall give notice as soon as possible if any of the above changes occur without prior planning.
- E. A change in Center capacity.

49. The Department will then determine whether such changes require a modification of the current license or require the submission of an application for a new license. The Center will be notified in writing within thirty (30) days as to whether the modification is approved by the Division Director or a new license is required.

DENIAL, REVOCATION OR Suspension of a License REFUSAL TO RENEW A LICENSE

5098. The Department Division may revoke, suspend or deny, revoke or refuse to renew a license for reasons which include good cause, including but are not limited to the following:
- A. Failure to comply with the applicable provisions of 31 Del.C., Chapter 3, State Law(s) and the Department's rules and regulations pertaining to the law; or of these rules;
 - B. Violation of the terms and or conditions of a its license; or
 - C. Use of Fraud or misrepresentation in obtaining a license or in the subsequent operation of the facility; or
 - D. Refusal to furnish the Department with files, reports or records as required by the law; or
 - E. Refusal to permit an authorized representative of the Department to gain admission to the Center during operating hours; or
 - F. Engaging in any activity, policy, practice or staff member conduct or practices, engaged in or permitted, which that adversely affects or presents a serious or imminent danger to the is deemed by the Division to be detrimental to the education, health, safety and or well-being of any child attending the center; children; or
 - G. Any conduct or practices which are in violation of State Law related to abuse or neglect of children.
 - G. Conduct that otherwise demonstrates unfitness by the owner, administrator or any staff member to operate a Center.

APPEAL

5199. Any person or Center who has been denied If the Division denies, revokes, or refuses to renew a license to operate or whose license has been revoked or suspended, the Division shall be notified notify the licensee in writing at least ten (10) working days prior to taking such action, of the reason(s) for such a decision and setting forth the person or Center's right to an specify the licensee's entitlement to appeal of the decision and request an administrative appeal hearing. The Division shall notify the licensee in writing of the findings of its investigation and of the reasons for denial, revocation or refusal to renew a license, before taking such action.
52. ~~Any person or Center who has been denied a license or whose license has been revoked or suspended by the Department, shall be entitled to a hearing and a review by a hearing officer, designated by the Secretary of the Department or his designee, who has no previous involvement in the matter.~~
53100. The Department will give ten (10) days' notice specifying reasons for proposed revocation or denial before a revocation or denial occurs. If a request for a hearing, either if a written or verbal request for a hearing is received by the Division within the ten (10) working days period of the date the notice of denial, revocation or refusal to renew was mailed, the Division shall ensure that a hearing shall be is held within thirty (30) working days from the date the request for a hearing is received, unless for good cause, the Hearing Officer grants postponement. Revocation or denial shall not occur until a written decision is rendered:
101. The hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the hearing.

54102. If a licensee requests a hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered subsequent to the hearing; except that the Office of Child Care Licensing shall have the authority to suspend the license immediately whenever if the health, or safety or well-being of children in care is in serious or imminent danger; the Department may immediately suspend the license upon the issuance of written notice. If there is an immediate suspension, a hearing shall be held within ten (10) days of the written notice to the Center.

103. If a licensee does not make a timely request for a hearing to appeal the decision in accordance with Rule #100 or does not request a hearing, the action to deny, revoke or refuse to renew a license shall take effect thirty (30) working 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, revocation or refusal to renew shall be effective immediately upon the issuance of a written notice by the Division.

104. A licensee shall upon demand of the Office of Child Care Licensing supply the Office of Child Care Licensing with the enrolled children's parents'/guardians' names, addresses, and telephone numbers so that the Office of Child Care Licensing can notify parents/guardians of the pending closing due to an enforcement action.

ORDER TO SUSPEND A LICENSE

105. If the health, safety or well-being of children in care is in serious or imminent danger, the Office of Child Care Licensing may immediately suspend the license upon issuance of a written suspension order. The order shall state the reason(s) for the suspension. Within ten (10) working days of the issuance of the suspension order, the Division Director, or designee shall hold an informal hearing with the licensee or the licensee's representative.

RULE VARIANCE

55106. Upon the written request by a Center of an applicant or licensee, the Department Division may grant a variance from a specific any of these requirement rules if there is documentation that the requested alternative complies with the applicant or licensee has documented to the satisfaction of the Division that the intent of the specific requirement rule for which variance is sought shall be satisfactorily achieved in a manner other than that prescribed by the rule.

- A. The decision of the Department, including any qualification under which the variance is granted, shall be documented through a written agreement with the Department and a signed copy shall be sent to the Center. A variance may remain in effect for as long as a Center continues to comply with the intent of the requirement(s) or may be time-limited.
- B. The agreement shall contain provisions for a regular review of the variance.
- C. When a Center fails to comply with a variance agreement in any particular, the agreement shall be subject to immediate cancellation.

107. The Division shall render its decision on the request in writing, including the conditions for which the variance is granted, and shall send a signed copy of the decision to the applicant or licensee. A copy of the decision shall be maintained on file by the Division and the licensee.

108. The variance may be time-limited or may remain in effect for as long as the licensee continues to maintain the health, care, safety, protection, supervision, and needed services of children.

109. The Division shall monitor the licensee's compliance with the variance. If the licensee fails to comply with the variance, the Division shall initiate necessary enforcement action.

GENERAL PROVISIONS

OTHER JURISDICTIONAL APPROVALS

56. A Center shall have written certification, as required, from the State Division of Revenue and local business authorities:

ADMINISTRATION AND ORGANIZATION

GENERAL REQUIREMENTS NOTIFICATION TO THE OFFICE OF CHILD CARE LICENSING

110. A licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) consecutive calendar days before any of the following changes occur:

- A. A change of ownership or sponsorship;
- B. A change of location;
- C. A change in the name of the facility or program;
- D. A change in the applicable type of regulated service being provided;
- E. A change in licensed capacity; or
- F. The anticipated closing of the facility or program.

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

112. A licensee shall notify the Office of Child Care Licensing within one (1) working day if any of the following occur:

- A. A fire, flood or any serious damage due to severe weather conditions that impact the ability to operate safely;
- B. The death of a child while in the care of a Center; or
- C. Injury of a child while in the care of a Center requiring inpatient or outpatient treatment. The verbal report shall be followed by a written report on a form provided by the Office of Child Care Licensing.

GOVERNING BODY

57113. A Center 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.

- A. A licensee of a privately-owned Center shall have documents identifying the name(s) and address(es) of owner(s).
- B. A corporation, partnership or association shall have documents, when applicable, identifying all members of the governing body; their addresses; their terms of membership; if applicable; officers of the governing body, if applicable; and terms of office of all officers, if

applicable.

- C. A Center licensee shall have a procedure for informing all parent(s)/guardians of children attending the Center of the identities of governing body members.

~~58. The governing body of a Center shall appoint a person to serve as the Chief Administrator of the Center to assure the day-to-day management responsibility for the Center.~~

59114. The governing body of a Center shall ensure that the Center licensee complies with all applicable local, State and Federal Laws and regulations.

~~60. A Center shall report by telephone to the Department within twenty-four (24) hours any of the following circumstances:~~

- ~~A. Any fire which requires the services of a fire department, or other disaster at the Center;~~
- ~~B. Any accident, injury or illness occurring while a child is in care at the Center which results in death or inpatient or outpatient hospitalization. The verbal report shall be followed by a written report on a form provided by the Department;~~
- ~~C. Unanticipated temporary or permanent closing;~~
- ~~D. Suspected abuse or neglect of a child while on the premises;~~
- ~~E. Any known convictions of Chief Administrator, Director or staff members as specified in requirement 73B.~~

~~61. A Center shall post its current license in a prominent place accessible to the view of parents and visitors.~~

62115. A Center licensee shall have an organized system of business and management and sufficient staff, space and equipment to fulfill the following functions:

- A. Administrative functions;
- B. Fiscal functions;
- C. Clerical functions;
- D. Cleaning and maintenance functions;
- E. Food services functions;
- F. Direct child care functions; and
- G. Supervisory functions.

INSURANCE COVERAGE

63116. A Center licensee shall carry secure and maintain on file written documentation of motor vehicle, fire and comprehensive general liability insurance covering fire and liability as protection for children in care, as required by State Law(s).

~~64. A Center shall ensure that any vehicle authorized for use in transporting children in care by any of the Center's staff on the Center's business shall have insurance which covers liability.~~

RECORDS

65117. A Center licensee shall maintain files and records applicable to licensing.

66118. A Center licensee shall keep daily attendance records for children, and staff and volunteers identifying the hours of children's attendance and exact hours worked by staff and volunteers each day.

A. A licensee shall establish a system for taking attendance periodically throughout each day to ensure the whereabouts of children in attendance at any given time.

67119. A Center licensee shall have an on-site file for each child including:

- A. The child's name, home address and home telephone number;
- B. Emergency telephone numbers for the parent(s)/guardian(s) and other designated person while the child is in care;
- C. Name and telephone number of the child's physician health care provider;
- D. Identifying information for all persons authorized to pick the child up from the Center;
- E. Date of admission;
- F. The hours a child is scheduled to attend the Center;
- G. A statement of any special problems, medical, developmental, or educational or needs of the child including allergies, existing illnesses or injuries, previous serious illnesses or injuries and any medication prescribed for long-term, continuous use;
- H. If provided by the parent(s)/guardian(s), for a child who has been identified as a having disability or special need, copies of IEPs/IFSPs and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals to special services;
- HI. Written authorization from the parent(s)/guardian(s) for emergency medical care;
- I. Transportation permission, if appropriate;
- JK. Health information as required by Requirement Rule #200292;
- KL. Injury and illness records including copies of reports submitted to the Department Office of Child Care Licensing as required by Requirement Rule #60B112B & C and copies of reports required by Requirement Rule #220312; and
- M. If provided by the parent(s)/guardian(s), court orders on custody and visitation arrangements.

68120. A Center licensee shall have a procedure to ensure that all emergency telephone numbers information supplied by parents/guardians are is continuously updated.

Personnel Files

69121. A Center licensee shall have a personnel file for each employee and volunteer staff member included in staff/child ratio as specified in Requirement 97. The personnel file shall include:

- A. Name, date of birth, home address and telephone number;
- B. Date of employment;
- C. Initial application form;
- D. Reference letters or telephone notes on character references;
- E. Release of employment history form, Service Letters obtained and/or pertinent documentation;
- E. Record of attendance at training sessions;
- FE. Documents attesting to qualifications and education;

- GG. Written records of required medical examinations and tuberculosis screening and/or testing;
- HH. A statement signed by the employee or volunteer staff member stating the employee's 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;
- I. Verification of fingerprinting form;
- J. Release form and verification of adult abuse registry check;
- K. If transporting children, a copy of a current driver's license;
- L. Copy of job description;
- M. Child Abuse and Neglect Reporting Law form;
- M. Orientation form;
- O. Record of attendance at training sessions; and
- P. Date of termination.

HUMAN RESOURCES

PERSONNEL POLICIES

General

70122. A Center licensee shall have written personnel policies and practices and shall make them available to all employees staff and prospective employees staff.
- A. These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension and lay-off of employees staff in accordance with applicable laws.

71123. A Center licensee shall have written job descriptions for every job position at the Center.

General Qualifications

72124. A Center licensee shall have on file for each employee staff member at least two (2) character references. These references shall verify that the employee staff member is of good character and reputation:
- A. Is of good character and reputation;
 - B. Respects and understands children, is sensitive to and capable of meeting their needs;
 - C. Is in sufficient physical, mental and emotional health to perform activities related to child care

125. 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. Also that each staff member is physically and emotionally capable of performing activities related to providing care which include meeting children's physical needs such as feeding and diapering, supervising children's activities, supporting children's physical, intellectual, social and emotional growth, dealing with emergencies in a calm manner, and carrying out methods of behavior management as stipulated in these rules and within the responsibilities of their particular position.

126. A licensee shall require staff members to sign a release of employment history form and obtain Service Letters from current and, if applicable, previous employers for the past five (5) years.

127. A licensee shall require staff members to be fingerprinted by the Delaware State Police as soon as they are hired or schedule an appointment to be fingerprinted no later than the fifth working day. Staff members shall be required to provide to the licensee the fingerprint verification form as proof of being fingerprinted.

128. A licensee shall request the results of an adult abuse registry check through the Department of Health and Social Services for staff members as soon as they are hired or no later than the fifth working day.

73129. A Center licensee shall not employ or retain any person as an employee or volunteer a staff member with:

- A. Any emotional mental illness or physical condition or behavior which would impair his/her ability to care for children perform the duties of his/her position; and
- B. Any conviction, current indictment or substantial evidence of 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:
 - i. The Center licensee may, at its own discretion, make exceptions to the above requirement rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry law as defined in Delaware Code, Title 16, Chapter 9.

74130. The Center licensee shall not employ or retain in any capacity any person whose child or children are removed from his/her custody because of abuse or neglect.

131. A 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, Subsection 8550.

75132. No employee staff member of a Center shall use or be under the effects of alcohol or illegal drugs or any substance or medication which would impair his/her ability to care for children during hours of work.

HEALTH REQUIREMENTS

76133. A Center licensee shall have for every employee and volunteer staff member included in the staff/child ratios:

- A. Written report from a licensed physician or nurse practitioner health care provider of a medical examination attesting to the health of the employee or volunteer staff member, including his/her physical and emotional ability to care for children, completed within six (6) months one (1) year prior to the date of employment and on file with the Center within the first month of employment;
- B. Written evidence on file with the Center within the first month of employment of freedom from communicable tuberculosis verified within one (1) year prior to the date of initial employment in day care at the Center, with further testing required only upon known exposure to the disease every fifth year of employment; and

- C. Written evidence of follow-up of any known health problem of the employee or volunteer staff member affecting or potentially affecting his/her ability to care for children.

CHILD ABUSE AND NEGLECT

77.134. A Center licensee shall require provide each employee staff member of the Center to read and sign a statement clearly defining written information governing the reporting provision of the Delaware child abuse and neglect law(s) and regulations, and outlining the employee's responsibility to report all incidents of child abuse or neglect according to State Law maintain on file written documentation of their receipt of this information.

78. A Center shall report any suspected or alleged incident of child abuse or neglect to the Division of Child Protective Services through the Child Abuse Reporting Number and shall cooperate fully in the investigation of any incident.

135. A licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.

79.136. A Center licensee shall have develop, adopt, follow and maintain on file written policies and procedures for handling any suspected incident of suspected child abuse or neglect by an employee including: which occurs while a child is in the Center's care. The policies and procedures shall contain provisions specifying that:

A. The licensee immediately shall take remedial action to protect children from harm;

B. 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;

AC. A procedure for ensuring that the employee involved does not work directly Any staff member alleged to have perpetrated an incident of child abuse or neglect shall be removed or suspended from having direct contact with any child, or be reassigned to other duties that do not involve contact with children until the investigation of the incident is has been completed; and

BD. A procedure for terminating any employee involved in a founded incident of child abuse if the person's continued employment at the Center would place the children at risk The licensee shall take disciplinary action against any staff member who committed an act of child abuse or neglect.

STAFF QUALIFICATIONS

80.137. An employee A staff member who is in a position at a particular Center before the effective date of these requirements rules shall have two (2) four (4) calendar years from the effective date to meet the qualifications of that position an Early Childhood Administrator or Early Childhood Curriculum Coordinator and two (2) calendar years from the effective date to meet the qualifications of an Early Childhood Teacher, Early Childhood Assistant Teacher and Early Childhood Intern provided the person remains at that Center. A person appointed to a position after these requirements rules become effective shall meet the qualifications of these requirements rules for that position.

A. Prior to appointing or assuming the roles of Early Childhood Administrator or Early Childhood Curriculum Coordinator, the licensee shall review these staff members' qualifications with the Office of Child Care Licensing to obtain approval for the particular position. Staff in these positions may be provisionally hired no longer than one (1) month.

Owner

138. The Owner of a Center shall be considered staff and actively involved if present at the Center during regular hours of operation for seven (7) or more hours per week. Inactive owners or those working less than seven (7) hours per week shall assign day-to-day operational responsibilities to an Early Childhood or School-Age Administrator.

Chief Administrator

81. The Chief Administrator shall be qualified by demonstrated knowledge, training and experience to fulfill the responsibilities of the position.

82. The Chief Administrator or a responsible person knowledgeable of the day care operation designated by the administrator shall be on the premises during the hours the Center is in operation.

Program-Director Early Childhood Administrator

83.139. A Center licensee shall ensure that the Program-Director Early Childhood Administrator of the Center is at least twenty-one (21~~20~~) years of age and meets one (1) of the following requirements qualifications:

A. At least an Associate Degree in a field related to child development, early childhood education, psychology, social work, special education, elementary education, nursing, human services or business administration including at least fifteen (15) credit hours that offer course content covering the following topic areas – child development; early childhood-level curriculum, behavior management, and health & safety; and includes successful completion of three (3) credit hours, or forty-five (45) clock hours of approved training in early childhood administration, and twenty-four (24) months of experience working with children preschool age or younger in a group setting;

AB. At least a four (4)-year Bachelor degree from an accredited college or university including at least twelve (12) fifteen (15) credit hours that offer course content covering the following topic areas -of child development; or early childhood-level curriculum, behavior management, and health & safety; education and includes successful completion of three (3) credit hours, or forty-five (45) clock hours of approved training in early childhood administration, and one (1)-year twenty-four (24) months of experience working with children preschool age or younger in a group setting;

i. In qualifications (A) or (B), successful completion of *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") may substitute for three (3) credit hours.

ii. In qualifications (A) or (B), successful completion of *Delaware First's* "Training for Early Care and Education 2" (formerly "Advanced Core Curriculum Plus") may substitute for three (3) credit hours.

iii. In qualifications (A) or (B), successful completion of the following may substitute for twelve (12) credit hours – a Montessori Infant and Toddler Full/Associate Credential or a Montessori Early Childhood Full/Associate Credential from a Montessori Accreditation Council for Teacher Education (MACTE) approved training program; or

- ~~C. At least a Bachelor or Associate Degree from an accredited college or university in early childhood education including successful completion of three (3) credit hours, or forty-five (45) clock hours of approved training in early childhood administration, and twenty-four (24) months of experience working with children preschool age or younger in a group setting.~~
- ~~B. At least an Associate Degree in a field related to child development, early childhood education, psychology, social work, special education, elementary education, nursing or any health field, including at least twelve (12) credit hours of child development or early childhood education, and eighteen (18) months of experience working with children in a group setting;~~
- ~~C. A Child Development Associate Credential and twenty-four (24) months of experience working with children in a group setting;~~
- ~~D. At least a high school degree and twelve (12) credit hours of child development or early childhood education from an accredited college or university and thirty-six (36) months of experience working with children in a group setting:
 - ~~i. Successful completion of a vocational child care program approved by the Department of Public Instruction can be substituted for three (3) credit hours of child development or early childhood education.~~~~

~~140. An Early Childhood Administrator, who before the effective date of these rules was known as the Program Director at a particular Center and qualified for that position with a Bachelor or Associate degree and twelve (12) credit hours in child development or early childhood education, shall be able to apply those particular credit hours to the credit hours requirement of Rule # 139 provided that person remains at that Center.~~

~~84. A Chief Administrator or employee in the position of Caregiver may serve as Program Director provided that she/he meets the qualifications specified in Requirement 83:~~

- ~~A. The Program Director or other employee meeting the requirements for Caregiver shall be present at all times during the hours the Center is in operation.~~

Early Childhood Curriculum Coordinator

~~141. A licensee shall ensure that an Early Childhood Curriculum Coordinator is at least twenty (20) years of age and meets one (1) of the following qualifications:~~

- ~~A. At least an Associate Degree in a field related to child development, early childhood education, psychology, social work, special education, nursing or human services, including at least fifteen (15) credit hours of child development, or early childhood education and twenty-four (24) months of experience working with children preschool age or younger in a group setting; or~~
- ~~B. At least a Bachelor degree from an accredited college or university including at least fifteen (15) credit hours of child development or early childhood education and twelve (12) month of experience working with children preschool age or younger in a group setting;~~

- i. In qualifications (A) or (B), successful completion of *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") may substitute for three (3) credit hours.
- ii. In qualifications (A) or (B), successful completion of *Delaware First's* "Training for Early Care and Education 2" (formerly "Advanced Core Curriculum Plus") may substitute for three (3) credit hours.
- iii. In qualifications (A) or (B), successful completion of the following may substitute for fifteen (15) credit hours – a Montessori Infant and Toddler Full/Associate Credential or a Montessori Early Childhood Full/Associate Credential from a MACTE approved training program.

Early Childhood Administrator or Early Childhood Curriculum Coordinator – Specialized Training

142. A licensee shall ensure that either the Early Childhood Administrator or Early Childhood Curriculum Coordinator has successfully completed three (3) credit hours, which may be included in the fifteen (15) credit hours required for the position, or forty-five (45) clock hours of approved training in infant and/ or toddler development and curriculum if the Center serves infants and/or toddlers.

143. A licensee shall ensure that either the Early Childhood Administrator or Early Childhood Curriculum Coordinator has successfully completed three (3) credit hours, which may be included in the fifteen (15) credit hours required for the position, or forty-five (45) clock hours of approved training in school-age care if the Center serves school-age children.

Garegiver Early Childhood Teacher

85144. A Center licensee shall ensure that a an Garegiver Early Childhood Teacher is at least eighteen (18) years of age and meets one (1) of the following requirements qualifications:

- A. At least a high school degree or its equivalent and successful completion of both *Delaware First's* "Training for Early Care and Education 1 & 2" (formerly "Basic and Advanced Core Curriculum Plus") and twelve (12) months of experience working with children preschool age or younger in a group setting;
- B. At least a high school degree or its equivalent and a valid Child Development Associate Credential and twelve (12) months of experience working with children preschool age or younger in a group setting;
- C. At least a high school degree or its equivalent and successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program and twelve (12) months of experience working with children preschool age or younger in a group setting;
- D. At least a high school degree or its equivalent and successful completion of nine (9) credit hours - three (3) each in early childhood education, child development and behavior management and twelve (12) months of experience working with children preschool age or younger in a group setting;
- E. At least a high school degree with successful completion of a vocational/technical high school three (3) year program in early childhood education approved by Delaware's Department of Education and twelve (12) months of experience working with children preschool age or younger in a group setting;

- ~~E. At least a high school degree or its equivalent and successful completion of the course work toward a Montessori Infant and Toddler Full/Associate Credential or a Montessori Early Childhood Full/Associate Credential from a MACTE approved training program and twelve (12) months of experience working with children preschool age or younger in a group setting;~~
- ~~G. At least a high school degree or its equivalent and successful completion of a one (1) year early childhood diploma program from a two (2) year college and twelve (12) months of experience working with children preschool age or younger in a group setting;~~
- ~~H. At least an Associate Degree with six (6) credit hours in child development, or early childhood education and three (3) months of supervised student teaching or twelve (12) months of experience working with children preschool age or younger in a group setting; or~~
- ~~AJ. At least a four (4) year Bachelor degree from an accredited college or university including at least three (3) ~~six (6)~~ credit hours in ~~of~~ child development or early childhood education and three (3) months of supervised student teaching or ~~six (6)~~ ~~twelve (12)~~ months of experience working with children ~~preschool age or younger~~ in a group setting;~~
 - ~~i. In qualifications (H) or (I), successful completion of Delaware First's "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") may substitute for three (3) credit hours.~~
 - ~~ii. In qualifications (H) or (I), successful completion of Delaware First's "Training for Early Care and Education 2" (formerly "Advanced Core Curriculum Plus") may substitute for three (3) credit hours.~~
 - ~~iii. In qualifications (H) or (I), successful completion of the following may substitute for six (6) credit hours – a Montessori Infant and Toddler Full/Associate Credential or a Montessori Early Childhood Full/Associate from a MACTE approved training program.~~
- ~~B. At least an Associate Degree with three (3) credit hours in child development, or early childhood education and six (6) months of experience working with children in a group setting;~~
- ~~C. A Child Development Associate Credential with six (6) months of experience working with children in a group setting;~~
- ~~D. At least a high school degree with successful completion of a vocational child care program approved by the Department of Public Instruction or a one (1) year certificate program in child development or early childhood education approved by the Department and six (6) months of experience working with children in a group setting;~~
- ~~E. At least a high school degree or its equivalent and sixty (60) clock hours of training in child development or early childhood education approved by the Department and one (1) year of experience working with children in a group setting;~~
 - ~~i. An individual may be hired conditionally for a six (6) month period in the position of Caregiver before completion of the sixty (60) clock hours of training if the Center has written documentation of compliance with the one (1) year experience requirement and written documentation of enrollment in Department approved training for said individual. At the end of the six (6) month period, the Center shall have written documentation of completion of the sixty (60) hours of training in said individual's personnel file.~~

Assistant Caregiver

86. ~~A Center shall ensure that an Assistant Caregiver is at least sixteen (16) years of age and works under the observation and supervision of a Caregiver or Program Director at all times.~~

Early Childhood Assistant Teacher

145. A licensee shall ensure that an Early Childhood Assistant Teacher is at least eighteen (18) years of age and meets one (1) of the following qualifications:

- A. At least a high school degree or its equivalent and successful completion of *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") and six (6) months of experience working with children preschool age or younger in a group setting;
- B. At least a high school degree with successful completion of that traditional high school's career pathway program in early childhood as approved by the Office of Child Care Licensing; or
- C. At least a high school degree or its equivalent and successful completion of six (6) credit hours - three (3) each in child development and early childhood education and six (6) months of experience working with children preschool age or younger in a group setting.

146. A staff member who, before the effective date of these rules, was in the position formerly known as Caregiver at a particular Center shall have the following opportunities to qualify for the position of Early Childhood Assistant Teacher. These opportunities shall be time-limited to two (2) calendar years from the effective date of these rules as stated in Rule #137.

- A. Demonstrate through portfolio development that shall be evaluated by the Office of Child Care Licensing's *Delaware First* program that the information taught in *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") is known based on previous experience and/or training. Successful completion of this option shall be equivalent to completing *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") and is applicable toward advancing to higher positions in any Center.
- B. Receive a passing grade of seventy-five percent (75%) or better on testing approved by the Office of Child Care Licensing to qualify for the position of Early Childhood Assistant Teacher. Such testing shall be based on the information taught in *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus"). Successful completion of this option shall be equivalent to completing *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") and is applicable toward advancing to higher positions in any Center.
- C. Provided a staff member remains at a particular Center, demonstrate successful completion of each of following individual *Delaware First* courses (totaling sixty (60) clock hours) – "Child Development" (fifteen (15) clock hours), "Developmental Curriculum Planning" (twelve (12) clock hours), "Understanding Children's Behavior" (twelve (12) clock hours), "Health Issues in Child Care" (three (3) clock hours), "Safety Issues in Child Care" (three (3) clock hours), "Nutrition Issues in Child Care" (three (3) clock hours), "Families" (six (6) clock hours), and "Professionalism" (six (6) clock hours). Such courses taken prior to the effective date of these rules or during the time-limited period shall count toward this option.

Successful completion of this option shall only apply toward remaining in the position of Early Childhood Assistant Teacher and is not applicable toward advancing beyond that position.

Early Childhood Intern

147. A licensee shall ensure that an Early Childhood Intern is at least sixteen (16) years of age and meets one (1) of the following qualifications:

A. At least successful completion of either *Delaware First's* "ABC's of Center Based Care" or "Child Development"; being enrolled in such training within three (3) months of employment and completed within twelve (12) months of employment;

B. At least successful completion of three (3) credit hours in child development; or

C. Training approved by the Office of Child Care Licensing as equivalent to (A) or (B);

i. Fifteen 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. Documentation proving enrollment in such programs shall be on file at the Center.

Staffing

148. A licensee shall ensure that the Center has at least one (1) staff member who meets the qualifications for the position of Early Childhood Administrator.

149. A licensee shall ensure that the Center has at least one (1) staff member who meets the qualifications for the position of Early Childhood Curriculum Coordinator.

150. An Early Childhood Administrator shall also be able to serve as the Early Childhood Curriculum Coordinator if one (1) of the following circumstances have been met:

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 someone other than the Early Childhood Administrator consistently manages the Center's business administrative duties such as human resources/personnel and financial responsibilities.

151. A licensee shall ensure that a staff member who meets the qualifications for the position of 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.

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

Early Childhood Teacher(s)	Total # of Early Childhood Assistants & Interns
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

(and continue as needed)

A. The ratio of Early Childhood Teachers to Early Childhood Assistant Teachers and Early Childhood Interns shall be based on the number of staff as needed to comply with staff/child ratios as stated in Rule #164. A licensee may choose to use more staff than required without needing to increase the number of Early Childhood Teachers.

Caregiving Staff Direct Child Care Duties

87153. A Center licensee shall ensure that staff charged with caring for children is are not given other duties (i.e. cooking, cleaning or administrative duties), which would interfere with child providing care to children.

Substitute and Volunteer Staff

88154. A Center licensee shall have substitute staff that are at least sixteen (16) years of age, including documentation of their qualifications for such staff, to fill a particular positions during the absences of permanent staff. A substitute that is temporarily filling in for a position in which he or she is not fully qualified shall be allowed to count toward child/staff ratios if supervised and under the direct observation of at least an Early Childhood Assistant Teacher at all times.

A. If a substitute is used When it is known beforehand that a position will be temporarily available for two (2) or more months continuously or longer, the person or persons substituting in that position shall be fully qualified for the position(s) throughout the whole time period.

155. 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 and present at the Center for seven (7) or more hours a week.

156. A licensee shall ensure that volunteers present less than seven (7) hours a week not be considered staff and be under the direct observation and supervision of at least an Early Childhood Assistant

~~Teacher at all times and not be alone with the children at any time.~~

~~157. 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.~~

ORIENTATION AND TRAINING

~~89~~**158.** A Center licensee shall document that each new employee ~~all staff members~~ has ~~have~~ been given an orientation training session including ~~at the beginning of employment at the Center and periodic updates as information is revised on the following:~~

- A. Emergency and evacuation procedures;
- B. Center policies including discipline, ~~safety~~, health care, child care, ~~goals and program for children, recordkeeping, family involvement~~, sanitation procedures and release of children;
- C. Center personnel and administrative policies;
- D. Child abuse and neglect law and reporting requirements;
- E. Recognition of the symptoms of childhood illnesses, child abuse, sexual abuse and neglect;
- F. ~~Title VI Requirements~~ ~~Information on any other Federal or State Laws or regulations applicable to children and families in care including non-discrimination and disabilities;~~ and
- G. Applicable licensing requirements ~~rules and the location of a copy of the complete rules shall be made available at the Center for staff review whenever requested.~~

~~90. A Center shall ensure that orientation for all substitutes and volunteers includes instruction in the following:~~

- ~~A. Responsibilities of their particular functions;~~
- ~~B. Emergency and evacuation procedures;~~
- ~~C. Center policies including discipline, child care, sanitation procedures and release of children.~~

~~91~~**159.** A Center licensee shall document that all staff, including ~~an actively involved Owner~~ the Chief Administrator and Program Director ~~the Early Childhood or School-Age Administrator~~, participate in at least fifteen (15) ~~eighteen (18) clock~~ hours of staff development and Department approved training annually in working with children and improving job performance. ~~Any staff member working less than twenty-five (25) hours per week shall participate in nine (9) 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.~~

- A. ~~A Center licensed before the effective date of these requirements shall have one (1) calendar year from the effective date to achieve compliance with the annual training requirement~~ ~~All training shall be within topics or core areas essential to working with children and improving job performance in the early care and education field. Topics shall include attention to the following early care and education core areas: Child Development (which may include observation and assessment); Developmental Curriculum Planning (which may include language and literacy); Understanding Children's Behavior; Health, Safety & Nutrition; Family/Community (which may include multiculturalism and diversity);~~

Professionalism; and Administrative Issues.

B. 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.

C. A licensee shall require that all staff complete *Delaware First's* Personnel Registry applications and sent to the Office of Child Care Licensing for entry into the Personnel Registry database during the month of licensure renewal.

FIRST AID AND CPR TRAINING

160. A licensee shall document that staff in all positions except Early Childhood and School-Age Interns have proof of completing a First Aid course every three (3) years and receive current certification in cardiopulmonary resuscitation (CPR).

A. Staff who are assigned to care for children eight (8) years of age and younger shall have proof of completing a First Aid course applicable to infants and/or children and receive current certification in CPR for infants and/or children.

B. Staff who are assigned to care for children nine (9) years of age and older shall have proof of completing a First Aid course applicable to children and adults and receive current certification in CPR for adults.

161. A licensee shall ensure that staff members complete First Aid and CPR training within six (6) months from the date of hire.

162. A licensee shall ensure that staff of a Center licensed before the effective date of these rules shall have six (6) months from the effective date of these rules to complete First Aid and CPR training.

163. A licensee shall ensure that at least one (1) staff member with First Aid and CPR training applicable to the ages of all children at the Center is present during all hours of operation when children are in attendance including the beginning and end of the day.

NUMBER OF STAFF

92164. A Center licensee shall follow the following minimum staff/child ratios and maximum group sizes for each age group listed during normal daily activities at the Center as indicated in the table below:

	Age of Child	Minimum Staff/Child Ratio	Maximum Group Size
Infant	0--12 Months	Under 1 Year	8
Young Toddler	12--24 Months	1 to 2 Years	12
Older Toddler		2 to 3 Years	16
Young Preschool Child		3 to 4 Years	20
Older Preschool Child		4 through 5 Years (not in K)*	24
School-Age Child		5 Years (in K)* and up	30

* K - Kindergarten

A. A Center licensed before the effective date of these requirements rules shall have two (2) calendar years from the effective date to achieve compliance with staff/child ratios and maximum group sizes requirements.

~~165.~~ A licensee shall ensure that a Center develops a plan to accomplish maximum group size requirements. The plan shall be approved by the Office of Child Care Licensing and address 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. The approved plan shall be implemented to achieve maximum group size requirements at the Center.

~~93.~~ A Center shall ensure that for mixed age groups with children over twenty-four (24) months of age, the staff/child ratio shall be that required for the age group with the largest number of children present in the group:

~~166.~~ A licensee shall maintain the full staff/child ratio for infants at all times.

~~94~~^{167.} A Center licensee shall ensure that for mixed age groups with children under twenty-four (24) months of age, the staff/child ratio and group size requirements shall be are that for the age of the youngest child present.

~~95~~^{168.} A Center licensee shall ensure that the curriculum goals and program of daily activities for each group of children shall be planned and monitored is implemented by a Caregiver an Early Childhood Teacher or Early Childhood Assistant Teacher with approval and monitoring by the Early Childhood Curriculum Coordinator.

~~96~~^{169.} A Center licensee shall assign sufficient Caregivers and Assistant Caregivers staff to each group of children to meet staff/child ratios.

A. Only staff members who are qualified, physically present, and working with children can shall be counted for the purposes of staff/ child ratios.

~~97.~~ A Center shall ensure that volunteers shall be counted for the purposes of staff/child ratios only when appropriately qualified and present at the Center for more than ten (10) hours a week:

~~98~~^{170.} A Center licensee shall ensure that for children one (1) year and older, during nap times, at least one-half (1/2) of the normal staff complement as required by Requirement Rule #92164 shall be are physically present with each group of children and directly observing the children.

~~99~~^{171.} A Center licensee shall provide appropriate care and supervision of children at all times.

A. Children at the Center shall not be left unattended at any time:

~~100~~^{172.} A Center licensee shall have at least two (2) staff present when seven (7) or more children one (1) year and older are present.

A. The Center 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.

B. When only one (1) staff member is present with children, that staff member shall have no other responsibilities than caregiving direct child care during that time.

101 ~~173.~~ A licensee shall ensure that during times when children are normally arriving ~~at the beginning of the day~~ and leaving ~~at the end of the day~~, the Center shall not be required to maintain segregation of age groups ~~for children one (1) year and older will not be required~~ but shall show evidence of ~~that there be~~ an organized approach to the supervision of and accountability for children.

FIRST AID AND CPR

102 ~~—~~ A Center shall document that a person certified in first aid and a person certified in cardiopulmonary resuscitation (CPR) for infants and children are present during all hours of operation of the Center when children are present including the beginning and end of the day.

COMMUNICATION

103 ~~174.~~ A Center licensee shall have an organized system of communication ~~between~~ among staff to ensure that any staff member ~~or volunteer~~ assuming responsibility for a child or children as, for example, during shift changes, is ~~adequately~~ informed of any significant information, problem, need or special circumstance involving the child or children.

A ~~175.~~ The Center A licensee shall have an organized system of communicating with parents/guardians to ensure that ~~Center staff learn about the parent(s)/guardian(s)' preferences and goals for the child, and about any concerns or special circumstances that may influence the child's development and learning. The parent(s)/guardian(s) are informed~~ shall be informed on a regular basis of the child's ~~developmental and educational~~ progress, any accidents or critical incidents involving the child, developmental milestones ~~achieved by the child~~ and any other important information relating to the child.

PHYSICAL ENVIRONMENT AND SAFETY

GENERAL

104 ~~176.~~ A Center licensee shall ensure that every building, or part thereof that is used as a Center, ~~shall be~~ is constructed, used, furnished, maintained and equipped in compliance with all applicable requirements established by Federal, State, local and municipal regulatory bodies.

- A. The Center licensee shall have written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation and fire safety.

USABLE SPACE

105 ~~177.~~ A Center licensee shall maintain all areas of the facility in a clean, safe condition free from hazards to the health and safety of children.

106 ~~178.~~ A Center licensee shall ensure that all structures, fences, equipment and grounds are maintained so as to be free from any hazard to health and safety.

407 ~~179~~. A Center licensee shall ensure that grounds adequately drain either naturally or through installed drainage systems.

408 ~~180~~. A Center licensee shall ensure that garbage and rubbish are stored securely in non-combustible, covered containers in separate areas inaccessible to children and shall be ~~is~~ removed on a regular basis but not less than once every week.

- A. Outdoor containers, other than dumpsters, shall be cleaned after each collection.
- B. Indoor trash containers shall be emptied daily and kept clean.

409 ~~181~~. A Center licensee shall ensure that trash collection receptacles are stored in designated areas away from the children's play areas.

410 ~~182~~. A Center licensee shall ensure that all areas accessible to the Center and outdoor play area 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 ~~are~~ fenced off or have natural barriers to protect children.

OUTDOOR AREA

411 ~~183~~. A Center licensee shall maintain or have access to an outdoor play area with at least ~~fifty (50)~~ ~~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~~ ~~third~~ ~~(1/3)~~ of the licensed capacity of the facility at any one ~~(1)~~ time ~~and is a minimum of 1,500 square feet.~~

~~184. A licensee of a Center licensed before the effective date of these rules 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 these rules changes for any reason, the licensee shall be required to ensure that the outdoor play area is in compliance with Rule #183.~~

412 ~~185~~. A licensee shall ensure that the outdoor play area shall be ~~is~~ situated adjacent to or within close proximity to the Center and available to the children

- A. The play area shall be accessible by a safe route.

413 ~~186~~. A Center licensee shall ensure that outdoor play areas ~~located near or adjacent to hazardous areas determined by the Department to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high voltage boosters or propane gas tanks)~~ shall be fenced or otherwise protected by a natural or man-made barrier or enclosure ~~are fenced.~~

- A. Fencing shall be sturdy, safe and reinforced at intervals so as to give adequate support, constructed to discourage climbing and not prevent observation of children by staff.
 - B. Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3½) inches.
 - 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.
 - D. Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building.
114187. A Center 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, shall be is of approved resilient material which absorbs falls.
- A. Protective surfaces around playgrounds shall be at least twelve (12) inches deep and consist of wood chips, mulch, sand, or pea gravel, or be made of safety-tested rubber or rubber-like materials.
 - i. The use of shredded tires shall be permitted if the licensee obtains a guarantee from the supplier that the materials are free from steel wires or other contaminants and follows specific instructions from the supplier to determine the appropriate depth.
 - ii. All materials used for protective surfaces shall be of a size that prevents choking.
 - B. Protective surfaces shall extend at least six (6) feet in all directions from play equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar.
115188. A licensee shall ensure that the outdoor play area shall have has equipment for vigorous play and large muscle activity and shall be is free of hazards.
- A. Staff shall inspect the outdoor play area before children begin to play to ensure there are no hazards present and play equipment is safe for use.
116189. A licensee shall ensure that outdoor play equipment shall be is securely anchored unless portable by design, in good repair and placed with regard for safe use.
- A. Outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner.
 - B. Separate outdoor sandboxes shall be covered when not in use.
117190. A licensee shall ensure that the outdoor play area shall be is situated to provide a shaded rest area for children.
118191. When a Center licensee can demonstrate that the outdoor space requirement rule cannot be met, the Center licensee shall provide, in addition to the indoor play space required by Requirement Rule #420196, a minimum of 700 square feet of open, accessible indoor play space suitable for large muscle activity.
- A. The indoor space may shall be either at the site of the Center or at a nearby facility, such as

a gymnasium or other recreational facility, accessible by a safe route.

- B. The Center licensee shall have a written plan which specifies how large muscle activity will be provided.
- C. The Center licensee shall have a written plan to ensure some opportunities for safe outdoor activities in accordance with Requirement Rules #247C243, 350 & 353.
- D. When using public areas, staff shall inspect the area before children begin to play to ensure there are no hazards present and play equipment is safe for use.

192. 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

193. A licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.

194. A licensee shall ensure that all children wear approved safety helmets while riding bicycles with wheels of twenty (20) or more inches in diameter.

A. Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. 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.

ACCESS TO SPACE BY CHILDREN

119.195. A Center 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.

INDOOR AREA

120.196. A licensee shall ensure that a Center shall have has 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 and other areas not used by children for sleep or play on a routine basis shall not be counted in computing required square footage.

197. A multi-purpose room shall be allowed to count toward the indoor square footage of a Center when the room is routinely available for usage every day the Center is open.

121.198. A licensee shall ensure that the floors of all rooms in a Center shall have a surface which is safe and cleanable.

SLEEPING ACCOMMODATIONS

122199. A Center licensee shall ensure that each child, except school-age children who do not sleep at the Center, has clean, 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 and used only by the child while enrolled in attending the program.
- B. Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings.
- C. Cots, beds, mats and mattresses, and crib mattresses shall be cleaned and sanitized at least bi-monthly weekly and when soiled or wet.
- ~~D. Crib mattresses shall be cleaned and sanitized at least weekly and when soiled or wet.~~
- ED. Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child.

123200. A licensee shall ensure that sleeping mats shall be are stored so that there is no contact with the sleeping surface of another mat or disinfected after each use.

124201. A Center licensee shall ensure that cribs are not stacked while in use.

- A. Cribs and playpens shall have slats so placed as to allow gaps of no larger than two and three-eighths (2-3/8) inches.
- B. Cribs and playpens shall have top rails at least nineteen (19) twenty (20) inches above the mattress with the mattress set at its lowest position and side rail locked in its highest position.
- C. Any latches on cribs or playpens shall be safe and secured.
- ~~D. Crib mattresses shall be firm and tight-fitting.~~
- ~~E. Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as infant sleeping surfaces.~~
- ~~F. All pillows, bumper pads, quilts, comforters, sheepskin, stuffed toys, and any other soft products shall be removed from cribs while an infant is in the crib.~~
- ~~G. Toys or objects hung over an infant in a crib shall be held securely and be of a size and weight that would not injure an infant if the toy or object accidentally falls or if the infant pulls on the object.~~

125202. A Center licensee shall ensure that seasonably appropriate top and bottom coverings, such as sheets and blankets, are provided for each child.

- A. Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet.

126203. A licensee shall ensure that rest equipment shall be is 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.

127204. A licensee shall ensure that rest equipment shall be **is** maintained in a safe condition.

AREA FOR CHILDREN WHO BECOME ILL

128205. A licensee shall ensure that a Center shall have **has** a separate area where children who are exhibiting illnesses/symptoms requiring exclusion from the Center shall be **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. This area shall not be located in the kitchen or toilet areas.
- 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.
- D. **While in this area, staff shall ensure that 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.**

TOILET FACILITIES

129206. A licensee shall ensure that a Center shall have **has** enclosed toilet rooms inside the building on the same floor as inside play area(s).

- A. Toilet rooms shall have no locks within the children's reach.

130207. A licensee shall ensure that a Center serving children over twenty-four (24) months of age shall have **has** at least the number of **child-sized** toilets and sinks as indicated by the table below **in the following ratios:**

No. of Children and Staff	No. of Toilets	No. of Sinks	Maximum Ratio
1-15	1	1	1/15
16-35	2	2	1/17.5
36-60	3	3	1/20
61-80	4	4	1/20
81-100	5	5	1/20
101-125	6	6	1/25
126-150	7	7	1/25
151-175	8	8	1/25
176-200	9	9	1/25
200+			1/25

- A. ~~Urinals shall be counted as one-half 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:~~
 - A. **One (1) to ten (10) for children over twenty-four (24) months through preschool age;**
 - B. ~~Platforms and/or steps shall be available for use when child-size toilets or sinks are not available:~~
 - B. **One (1) to fifteen (15) for school-age children and staff;**
 - C. ~~At least one (1) sink shall be in the toilet room;~~ **and**

- D. Staff shall be counted in determining the number of toilets and sinks if the Center does not provide separate toilet facilities for staff.
208. For a Center licensed before the effective date of these rules, 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 these rules changes for any reason, the licensee shall be required to ensure that the toilets and sinks are in compliance with Rule #207.
131209. A licensee shall ensure that a Center serving only children under twenty-four (24) months of age shall have **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.
- A. Staff shall be counted in determining the number of toilets and sinks if the Center does not provide separate toilet facilities for staff.
132. For a Center serving a mix of children above and below twenty-four (24) months of age the Center shall either:
- A. Meet the toilet and sink specifications of Requirement 130 based on the total number of children being served at the Center, provided that all toilets and sinks are utilized by children of all ages; or
- B. Determine the number of children above and below twenty-four (24) months of age and meet the toilet and sink specifications of Requirements 130 and 131 for each age category.
133210. A licensee shall ensure that potty chairs shall **are** not be substituted for toilets and, if used, shall be **are** placed in the toilet room.
- A. Potty chairs, when used, shall be cleaned and sanitized after each use in accordance with Requirements **Rules #138215** and **139216**.
134211. A licensee shall ensure that toilet rooms in a Center shall have **has** at least one (1) operable window or mechanical ventilation.
135212. A Center licensee shall provide soap, toilet paper and single service towels **or hand drying device** in the toilet room(s) and make them accessible to the children.
136213. A Center licensee shall ensure that all surfaces in a toilet room are smooth, cleanable and non-absorbent.
137214. A licensee shall ensure that toilet room(s) in a Center shall be **are** maintained in a sanitary condition and cleaned daily or more frequently if needed.

SANITATION

138215.A Center licensee shall ensure that areas and equipment specified in Requirements Rules # 139216 and 140217 are washed with soap and water and disinfected as required.

- A. The disinfectant solution shall either be a self-made solution consisting of one-fourth (1/4) cup of household bleach to each gallon of water (one (1) tablespoon per quart), which shall be prepared daily, labeled, placed in a bottle that is sealed with a cap and stored out of the reach of children or a commercially prepared disinfectant which indicates it kills bacteria, viruses and parasites and shall be used in accordance with label instructions.

139216.A Center licensee shall ensure that staff wash and disinfect the following equipment items or surfaces after each use:

- A. Potty chairs which have first been emptied into a toilet;
- B. Sinks and faucets used for handwashing after the sink is used for rinsing a potty chair;
- C. Diapering surfaces, as required in Requirement Rule # 446223-;
- D. Toys mouthed by infants and toddlers children;
- E. Mops used for cleaning;
- F. Bibs; and
- G. Thermometers.

140217.A Center licensee shall ensure that staff wash and disinfect the following equipment items or surfaces at least daily:

- A. Toilet and toilet seats;
- B. Sinks and faucets;
- C. Diaper pails and lids;
- D. Drinking fountains;
- E. Water table and water play equipment;
- F. Play tables;
- G. Mats that are not stored separately as specified in Requirement Rule # 123200; and
- H. Smooth surfaced non-porous floors.

HANDWASHING

141218. A Center licensee shall ensure that staff and children wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands:

- A. Before eating or handling food;
- B. Before giving medications;
- C. Before and after using a water play table with other children;
- BD. After toileting or diapering;
- EE. After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;
- DE. After handling animals or their equipment or after coming into contact with an animal's body secretions;
- EG. After caring for a child who may be sick; and

- FH. After cleaning;
- I. After playing in a sandbox;
- J. After outdoor play, and;
- K. After taking out the garbage.

142. A Center shall ensure that staff use disposable rubber or plastic gloves when cleaning surfaces or equipment contaminated with blood or vomit.

STANDARD PRECAUTIONS

219. A licensee shall employ standard precautions for protection from disease and infection. 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. For 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 disinfected;
- B. For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned with soap and water and disinfected. Gloves shall be used in these situations unless the amount of blood or body fluid is so small that it can easily be contained by the material used for cleaning;
- 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 gloves to protect hands when cleaning contaminated surfaces;
- D. Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie; and
- E. Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

DIAPERING

143220. A Center licensee shall ensure that the diapers and other clothing of children are changed when wet or soiled.

- A. The Center licensee shall have an established procedure for periodic checking of diapers throughout the day at least hourly including visually inspecting children's diapers at least every two (2) hours.
- B. The Center licensee shall ensure that a supply of clean diapers and extra clothing are provided available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.
- C. Soiled clothing shall be placed in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardians at the end of the day.

144221. A licensee shall ensure that a Center shall have has a diaper changing area with a clean, washable and non-absorbent surface.

- A. There shall be a separate hand-washing sink convenient to within five (5) feet of the changing area.
- B. The diaper changing area shall not be located in the kitchen area.
- C. Disposable covers for the diaper changing area shall be used for each diaper change.

145222. A licensee shall ensure that used disposable diapers shall be are placed in a foot-activated container that is used exclusively for diapers and lined with a leak-proof or impervious liner.

- 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.
- B. The container shall be sanitized daily.
- C. The container shall be within arms reach of the diaper changing area and inaccessible to children.
- D. Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited.

146223. A Center licensee shall have an established procedure for changing diapers to include at least the following steps:

- A. The Center licensee shall ensure that caregivers staff members use a diaper changing area in accordance with requirement Rule #144221-;
- B. The Center licensee shall ensure that caregivers staff members wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth-;
- C. The diaper changing area shall be cleaned and sanitized with a disinfectant solution after each use in accordance with Requirement Rules #138215 and 139216-;
- D. The Center licensee shall ensure that disposable diapers and disposable covers are disposed of in accordance with requirement Rule #145222-;
- E. The Center licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and shall be placed in a sealed plastic container labeled with the child's name and returned to the child's parent(s)/guardians at the end of the day-;
- F. A Center licensee shall ensure that caregivers staff members changing children's diapers shall wash their hands and the hands of the child with soap and water immediately after each diaper change-; and
- G. This procedure shall be posted in the diaper changing area.

KITCHENS FOOD SAFETY

224. A licensee shall contact the Division of Public Health prior to opening to determine whether the Center requires a Food Establishment permit.

- A. A licensee of a Center licensed before the effective date of these rules shall have thirty (30) days from the effective date to contact the Division of Public Health to determine whether the Center requires a Food Establishment permit.
- B. A licensee shall provide the Office of Child Care Licensing documentation from the Division of Public Health that states the date the Center contacted the Division of Public Health and shows the designation of either Food Establishment permit required or no Food Establishment permit required.
- C. A licensee shall inform the parents/guardians of the children in attendance at the Center whether or not a Food Establishment permit is required.

225. A licensee shall not maintain a kitchen within the Center for the preparation of meals without a Food Establishment permit.
226. 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.
147227. A licensee shall ensure that a kitchen or food preparation area used in a Center shall be is provided with the necessary operable equipment for the preparation, storage, serving to prepare, store, serve and clean-up of all meals and snacks for or all of the children and staff regularly served by such kitchen.
- A. The Center shall have a hand-washing sink in the food preparation area, separate from the sink used for food preparation and dishwashing.
148228. A licensee shall ensure that floors, walls and counter surfaces in a kitchen in which any food comes in contact with shall be are easily cleanable and impervious to water to the level of splash.
149. Food preparation areas and appliances shall be cleaned following each prepared meal.
150229. The kitchen A licensee shall ensure that a Center shall have has refrigeration to keep perishable food cold (45 forty (40) degrees F. or colder).
- A. There shall be a working thermometer in all refrigerators.
- B. The A Center where children eat lunches prepared at home shall provide adequate refrigerated storage for such lunches.
151. A Center shall ensure that all eating, drinking and cooking utensils are thoroughly cleaned, rinsed and sanitized after each use and stored in a clean place.
152. A Center shall ensure that all dishes, cups and glasses used by children in care shall be free from chips, cracks or other defects.
- A. The Center shall discard single-service napkins, bibs, dishes and utensils after use.
- B. Washable napkins, bibs and tablecloths shall be cleaned after each use.
153. A Center shall have a dishwasher or facilities capable of washing, rinsing and sanitizing utensils at proper time, temperature and pressure.
- A. When a dishwasher is not used, dishes and utensils shall be air dried. They shall not be dried with a towel.
154230. A licensee of a Center that does not require a Food Establishment permit shall ensure that all plastic dinnerware or utensils provided by the Center shall either be are safe, single service or approved by the National Sanitation Foundation or its equivalent and discarded immediately after use.
155231. A Center licensee shall ensure that all food in a Center shall be is clean, wholesome, free from spoilage, free from and adulteration, correctly labeled and safe for human consumption.

156~~232~~. A licensee shall ensure that storage areas for food in a Center shall be ~~are~~ cleanable and free of food particles, dust and dirt.

- A. All food items shall be stored in closed or sealed containers which are labeled.
- B. All food items shall be stored off the floor.
- C. Food items shall be stored separately from cleaning materials.

157~~233~~. A licensee shall ensure that the kitchen ~~or food preparation~~ areas in a Center shall be so is constructed and supervised as to prevent access by children unless staff is conducting a specific educational activity within the kitchen or food preparation area. Staff shall organize and supervise such educational activities to ensure the safety of all children participating.

STORAGE

158. ~~A Center shall store all drugs, poisons, solvents, matches and other hazardous materials in a safe manner out of the reach of children.~~

STORAGE OF PERSONAL BELONGINGS

159~~234~~. A Center licensee shall provide children with adequate 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.

DOORS, AND WINDOWS ~~AND CLIMATE CONTROL~~

160~~235~~. A Center licensee shall provide insect screening for all outer doors and openable windows when such doors and windows are used for ventilation, provided that all requirements for fire safety have been met. This screening shall be in good repair.

161~~236~~. A licensee shall ensure that unless adequate mechanical ventilation is provided, a Center shall have ~~has~~ 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 openable.

162~~237~~. A licensee shall ensure that all floor or window fans in a Center that are accessible ~~inaccessible~~ to children shall have a grille, mesh or other protective covering that prevents a child from tampering with the blades of the fan and bear the safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory).

163~~238~~. A Center licensee shall ensure that all closets and bathrooms are provided with doors that can be readily opened from both sides.

164~~239~~. A Center licensee shall ensure that all heating ~~and cooling~~ equipment is safely and appropriately shielded to prevent the injury of children.

- A. All heating and cooling equipment shall be inspected annually by a heating/air conditioning contractor who verify in writing that the equipment is properly installed, cleaned and maintained to operate efficiently and effectively without emitting harmful chemical or microbiological substances.

~~B. Portable space heaters shall be prohibited.~~

165~~240~~. A Center licensee shall take all reasonable precautions to ensure that heating elements including hot water pipes and radiators are insulated and installed in a manner that ensures the safety of children.

166~~241~~. A licensee shall ensure that room temperatures in rooms used by the children shall be are maintained at a minimum temperature of ~~sixty-five (65)~~ degrees F. ~~and a maximum of eighty-five (85) degrees F.~~ at floor level when the outside temperature is 1 degree F. unless there is conflict with Federal and State energy Laws.

~~A. A Center shall be required to temporarily close if the minimum or maximum room temperatures cannot be maintained.~~

~~242. A licensee shall ensure that air conditioning is required in rooms used by children in all Centers opened after the effective date of these rules.~~

OUTDOOR CLIMATE

~~243. 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.~~

LIGHTING

167~~244~~. A Center licensee shall provide ~~ensure that a Center has sufficient natural and artificial lighting to allow for the supervision of the children and provide illumination of~~ at least ~~twenty (20)~~ thirty (30) foot candles of natural or artificial light at floor level in all child care areas where children's activities occur.

168~~245~~. A Center licensee shall ensure that parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by occupants at night ~~after dark~~ shall be ~~are~~ illuminated.

WATER AND SEWAGE

169~~246~~. A licensee shall ensure that the temperature level of the water from all water taps accessible to children in care in a Center shall not exceed 120 degrees F.

170~~247~~. A licensee shall ensure that the water supply and the sewage disposal in a Center shall be are approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively.

A. All sinks in the kitchen and toilet rooms shall be designed to supply adequate hot and cold water, under pressure, at all times to meet the needs of children in care.

~~B. The Center shall ensure that drinking water is always available to children.~~

~~B.~~ All plumbing shall comply with the State or local plumbing code.

~~248. A licensee shall ensure that drinking water is always available to children and supplied to them upon their request.~~

HAZARDOUS FINISHES AND SURFACES

171~~249~~. A licensee shall ensure that the Center shall not utilize any excessively rough surface or finish where such surface or finish may present a hazard to children in care.

172~~250~~. A licensee shall ensure that the Center shall not have walls or ceilings any building components, equipment, furnishing, or decorations surfaced with or containing hazardous materials containing asbestos such as asbestos, deteriorated lead-based paint, or lead-based paint present on accessible, friction or impact surfaces.

173. A Center shall not use lead paint for any purpose within the Center or on the exterior or grounds of the Center, nor shall the Center purchase any equipment, furnishings or decoration surfaced with lead paint:

A. Where appropriate, the Center shall maintain evidence that the Center has been tested for and found to be free of lead paint hazards:

251. A licensee 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.

EVACUATION EMERGENCY PLANNING

252. A licensee shall have a written emergency plan describing procedures for both natural and man-made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat, or terrorist attack.

A. The emergency plan shall include procedures for training staff about disaster preparedness, staff's specific responsibilities during a disaster, accounting for all children and staff, relocation process (if appropriate), and contacting appropriate emergency response agencies and parents/guardians.

174~~253~~. A Center licensee shall have a written evacuation plan of the Center posted in each room the children use.

A. Monthly evacuation drills shall be held and documented practiced from all exit locations at varied times of the day and during varied activities including nap time. The record 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, and the total amount of time necessary to evacuate the Center.

254. A licensee shall develop a written plan for procedures in the event that children and staff must remain at the Center for an extended period due to a natural or man-made disaster.

A. This plan shall include a list of emergency supplies for the care of children and procedures for feeding children and staff during the extended stay at the Center.

FIREARMS

255. A licensee shall ensure that firearms and/or ammunition not be within the Center's premises at any time.

SMOKING

175. ~~A Center shall prohibit smoking in areas used by the children and in food preparation areas:~~

PETS

176~~256~~. A Center **licensee** shall ensure that any pets kept by or located in the Center are certified by a licensed veterinarian as not being carriers of illness that would be a hazard to children, are free from disease and vaccinated as prescribed by law or as recommended by a licensed veterinarian.

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

FIRST AID KITS

177~~257~~. A Center **licensee** shall have, in locations readily accessible to staff, but not to children, first aid kits containing, but not limited to ~~soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape and scissors.~~ **the following:**

- A. **Disposable nonporous gloves;**
 - B. **Scissors;**
 - C. **Tweezers**
 - D. **A non-glass thermometer to measure a child's temperature;**
 - E. **Bandage tape;**
 - F. **Sterile gauze pads;**
 - G. **Flexible roller gauze;**
 - H. **Triangular bandages;**
 - I. **Safety pins;**
 - J. **Eye dressing;**
 - K. **Pen/pencil and note pad;**
 - L. **Syrup of ipecac (use only if recommended by the Poison Control Center);**
 - M. **Instant cold pack;**
 - N. **Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide;**
 - O. **CPR Barrier device;**
 - P. **Small plastic or metal splints; and**
 - Q. **Non-medicated adhesive strip bandages, plastic bags for cloths, gauze, and other materials used in handling blood.**
- A. ~~A first aid manual shall be maintained at the Center and shall be readily available for use.~~
 - B. ~~A first aid kit shall be taken along with children when they are on field trips and other group visits outside the Center.~~

~~258. A licensee shall ensure that a first aid kit are taken along with children when on field trips and other group visits outside the Center that contains all items listed in Rule # 257 and also include:~~

- A. **Water;**
- B. **Liquid soap;**

- C. Any emergency medications needed for a child with special needs; and
- D. List of emergency phone numbers, parents'/guardians' home and work phone numbers, and the Poison Control Center phone number.

TELEPHONES

179259. A licensee shall ensure that a Center shall have ~~has~~ a working, listed telephone.

- A. ~~In order to ensure the accessibility of the Center to emergency calls from parents, the Center shall ensure that access to the telephone is limited to business calls and that the telephone is not taken off the hook during nap.~~

179260. The Center A licensee shall post the following emergency telephone numbers by a telephone accessible to all staff:

- A. 911: Providing access to ambulance service or emergency medical services, police and fire departments;
- B. ~~Police Department;~~
- C. ~~Fire Department;~~
- DB. Poison Control Center; and
- EC. Child Abuse Reporting Number.

180261. The Center A licensee shall keep the following telephone numbers for all children in attendance in a place accessible to the telephone and to all staff:

- A. Telephone numbers at which where parents/guardians can be reached; and
- B. Telephone numbers of the physicians health care provider designated by parents/guardians;
- C. ~~Number of the local County Health Officer of the Division of Public Health.~~

262. A licensee shall ensure that a cellular phone is available to make emergency calls while on field trips or any excursion, including walks, outside of the Center.

GENERAL SAFETY PRACTICES

181263. A licensee shall ensure that all containers of poisonous, and toxic, or hazardous materials kept in a Center shall be are prominently and distinctly marked or labeled for easy identification as to contents and shall be 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.

- 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.
- B. All poisonous or toxic materials except materials required for routine cleaning and maintenance are to shall be locked in secure storage spaces and accessible only to authorized staff.
- C. Materials required for routine cleaning and maintenance shall be stored and used in a safe manner.

182264. A licensee shall ensure that porches, and elevated walkways or surfaces and elevated play areas in

a Center, of more than two (2) feet in height shall have ~~hazard-free~~ barriers to prevent falls.

183~~265~~. A licensee shall ensure that every exit, exit access and exit discharge in a Center shall be ~~are~~ continuously maintained free of obstruction.

A. ~~— Glass doors and windows at child height shall be marked for safety.~~

266. ~~— 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.~~

184~~267~~. A Center licensee shall utilize approved products and procedures to ensure that the Center is protected from insect infestation.

185~~268~~. A licensee shall ensure that all buildings used by a Center shall be ~~are~~ rodent free.

186~~269~~. A licensee shall ensure that children in care of a Center shall not swim in areas posted as being unsafe. ~~A certified~~ 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. ~~A certified individual is one who has a current water safety instructor certificate or senior lifesaving certificate from the American Red Cross or its equivalent.~~

A. ~~On~~ In-grounds pools shall comply with the Division of Public Health requirements concerning swimming and wading pools.

B. ~~Portable wading pools shall be prohibited.~~

C. ~~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.~~

187~~270~~. A licensee shall ensure that stairways, inside and outside, over four (4) steps, shall have railings ~~handrails at a maximum height of thirty-eight (38) inches~~. Approved safety gates at stairways shall be provided if infants and toddlers are in care:

271. ~~A licensee shall ensure that approved safety gates at stairways are provided if 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.~~

188~~272~~. A licensee shall ensure that a Center shall have ~~has~~ child-proof receptacle covers for all electrical outlets not in use and accessible to children.

TRANSPORTATION

189~~273~~. A licensee of a Center which provides transportation for children shall ensure that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable ~~Federal~~, State and local laws.

A. The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

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.

274. A licensee shall ensure that each child is secured in an individual safety restraint system appropriate to the age, weight and height of the child at all times while the vehicle, other than a school bus, is in motion. All safety restraints shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used in accordance with the manufacturer's and vehicle's instruction and maintained in a safe working condition and free of any recall.

A. Licensees may use their own discretion concerning the use of child safety restraint systems on school buses. However, while it is currently not required by law that child safety restraints be used on school buses, the National Highway Traffic Safety Administration, as of February 1999, has recommended that children preschool age or younger be transported in school buses properly equipped for child safety restraints and that the children always be properly secured in a child safety restraint while the school bus is in motion.

275. A licensee shall develop a written transportation policy that includes:

A. How and where the children shall be transported;

B. Safe driver criteria such as needing a valid driver's license and having a safe driving record; and

C. Physical conditions that would impair the ability to drive wherein a driver shall not operate a vehicle.

190276. A Center licensee shall inform parents/guardians of the Center's transportation policy and obtain written permission from the parent(s)/guardians for any transportation provided by the Center. This permission shall specify any special need or problem of the a child which might require special attention during transportation. The operator or attendant of the vehicle shall be given a copy of this information with directions on handling any special need or problem. This permission shall also identify who is operating each vehicle.

277. A licensee shall ensure that any operator of a vehicle transporting children for a Center is at least twenty-one (21) years of age.

A. The operator shall have a valid driver's license that authorizes the driver to operate the vehicle being driven.

191278. A Center licensee shall ensure that a first-aid kit working cellular phone shall be is in all vehicles regularly transporting children.

192279. A Center licensee shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.

193280. A Center licensee shall ensure that children shall are never be left unattended in a vehicle used by the Center to transport children.

194281. A Center licensee shall not transport children in the open back of a truck.

195282. A Center licensee shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.

196283. A licensee shall ensure that a vehicle used to transport children shall have has an operable heater capable of maintaining a temperature of at least fifty (50) degrees F. in the vehicle.

284. A licensee shall ensure that a vehicle is air-conditioned when the vehicle's interior temperature exceeds eighty-five (85) degrees F. and providing fresh air through open windows cannot reduce the temperature.

197285. A Center licensee shall ensure that each vehicle used to transport children is equipped with an operable dry chemical fire extinguisher approved by the Underwriter's Laboratory.

FIELD TRIPS

286. A licensee shall provide staff or adult supervision of children during trips off the Center's premises to ensure safety.

A. Parents/guardians volunteering to accompany the children shall be allowed to count toward the staff/child ratios for field trip or routine program outing purposes only.

B. Volunteering parents/guardians shall be supervised by a staff member at all times and not be alone with the children at any time including the transportation of children.

287. A licensee shall ensure that during routine program outings that do not require the use of vehicles and are in close proximity to the Center, a licensee maintains staff/child ratios in accordance with Rule #164 with a minimum of two (2) staff members present at all times.

288. A licensee shall ensure that during field trips that require the use of vehicles, the staff/child ratios are according to the table below:

Age of Youngest Child in Group	Maximum Number of Children to be Supervised by One (1) Adult
Less than 2 years	2
2 years through 4 years	4
5 years and older	8

A. Staff shall have a list of the children present and check the roll frequently.

B. Staff shall have access to medical consent forms and emergency contact information for all children.

C. Staff shall have a traveling first aid kit available in accordance with Rule #258.

D. Children shall have tags or other means of providing the Center's telephone number.

E. Staff shall have a plan for transportation of children in the event of an emergency.

289. A licensee shall ensure that staff and/or volunteering parents/guardians comply with **Transportation** Rules # 273 - 285 when transporting children on field trips.

HEALTH CARE

HEALTH CONSULTANT CONSULTATION

198290. A Center licensee shall have specific arrangements with a Division of Public Health Nurse, Division of Public Health County Health Officer, or a licensed physician health care provider who will agree to provide consultation on both routine and emergency health care for children.

- A. The above requirement rule shall be excepted when the Center licensee employs a Registered Nurse licensed in Delaware to provide health services.

HEALTH CARE PLAN

199291. A Center 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. Each staff member shall receive a copy of this plan and shall be trained in its implementation during staff orientation. Parent(s)/guardians shall be given a copy of this plan at the time of enrollment. The plan shall be approved by the health consultant care provider and shall include:

- A. Procedures to be followed in case of illness or emergency, including method of transportation and notification of parents/guardians;
- B. Procedures to be followed in case of illness or emergency, when parent(s)/guardians cannot be reached;
- C. A plan for the management of communicable disease including:
 - i. The list of symptoms of illness for which a child will be excluded from the Center or separated from the group if symptoms occur after the child has been admitted for the day as specified in Requirement Rule #205296.
 - ii. The list of reportable communicable diseases for which a child will not be admitted to the Center without a written statement from a licensed physician health care provider as specified in Requirement Rule #207298.
 - iii. Assurance that each the parent(s)/guardian(s) whose child may have been exposed to a reportable communicable disease shall receive written notice of the outbreak of such disease at the Center; and
- D. The Center's policy regarding the administration of medication.

HEALTH APPRAISAL

200292. A licensee shall ensure that within one (1) month following admission, the caregiver licensee shall have has on file an age-appropriate health appraisal conducted within the last six (6) twelve (12) months prior to admission for each child enrolled in attendance. Health appraisals shall be certified by a licensed physician or nurse practitioner health care provider and shall be 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;
- B. A physician physical examination;
- C. Growth and development;
- D. Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or care;
- E. Medical information pertinent to treatment in case of emergency;
- F. Documentation of the immunization status, with a listing of day, month and year of administration for each immunization, according to the recommendations of required by the Division of Public Health, American Academy of Pediatrics and the Immunization Practices Advisory Committee, as specified in the see Appendix, Immunization Schedules Division of Public Health Required Vaccinations and Recommended Childhood Immunization Schedules.
 - i. The Center licensee shall not permit a child to be admitted to the Center without written documentation from a licensed physician or nurse practitioner health care provider or Delaware's Division of Public Health that the child has received at least one (1) dose of DPT or DT, one (1) dose of TOPV or IPV, the MMR vaccine and Hib conjugate vaccine, if required by the age of child is age-appropriately vaccinated according to the most recent directive from the Division of Public Health.
 - ii. If a child has not received adequate immunizations as required for the child's age, the Center licensee shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Center Early Childhood or School-Age Administrator within fourteen (14) days of the child's admission.
 - 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 Center Early Childhood or School-Age Administrator; and
- G. Documentation of any recommended or required screening or testing such as for blood-lead or tuberculosis.

201293. In the case of after-school care, A licensee shall for school-age children have on file at the Center at least a copy of the child's most recent health record appraisal as required from by the child's school in the Center's file is sufficient.

202294. 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 Center Early Childhood or School-Age Administrator a notarized statement to that effect explaining the exemption is in compliance with State Law.

203. A Center shall report the immunization status of each child enrolled in the Center to the Division of Public Health annually.

HEALTH OBSERVATION ON ARRIVAL

204295. A Center licensee shall ensure that each child is observed on arrival by a person staff member capable of recognizing common signs of communicable disease, physical injury or other evidences of ill health.

HEALTH EXCLUSION

205296. A Center 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 licensed physician 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:

- A. Severe pain or discomfort particularly in joints, abdomen, ears;
- B. Acute diarrhea, characterized as two (2) times the child's usual frequency of bowel movements with a loose consistency within a period of twenty-four (24) hours;
- C. Two (2) or more episodes of acute vomiting within a period of twenty-four (24) hours;
- D. Severe coughing or sore throat;
- E. Oral or axillary temperature of 101.5 degrees F. or over accompanied by behavior changes and/or other symptoms;
- F. Yellow (jaundiced) skin or yellow eyes;
- G. Red eyes with discharge;
- H. Infected, untreated skin patches or lesions;
- I. Difficult or rapid breathing;
- J. Severe itching of body or scalp;
- K. Skin rashes, excluding diaper rash, lasting more than one (1) day;
- L. Swollen joints;
- M. Visibly enlarged lymph nodes;
- N. Stiff neck;
- O. Blood or pus from ear, skin, urine, stool;
- P. Unusual behavior for the child characterized by no playing, confusion, persistent, inconsolable crying;
- Q. Loss of appetite characterized by refusing all solids; or
- R. Symptoms which indicate any of the following diseases:
 - i. Chicken Pox
 - ii. Impetigo
 - iii. Lice
 - iv. Scabies
 - v. Strep Throat

- A. Temperature: infants four (4) months old and younger, equivalent to 100 degrees or greater even if there has not been a change in behavior;
- B. Temperature: children older than four (4) months, equivalent to 101 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness - until medical evaluation indicates inclusion in the facility. Oral temperature shall not be taken on children younger than four (4) years (or younger than three (3) years if a digital thermometer is used). Rectal temperature shall be taken only by a licensed health care professional;
- C. 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;
- D. 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;
- E. Blood in stools not explainable by dietary change, medication, or hard stools;
- F. 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;
- G. Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;
- H. Mouth sores with drooling, unless a health care provider determines that condition is noninfectious;
- I. Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;
- J. 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;
- K. Scabies, until twenty-four (24) hours after treatment has been initiated;
- L. Pediculosis (head lice), until twenty-four (24) hours after treatment has been initiated;
- M. Tuberculosis, until a health care provider states that the child is on appropriate therapy and can attend care;
- N. Impetigo, until twenty-four (24) hours after treatment has been initiated;
- O. Strep throat or other streptococcal infection, until twenty-four (24) hours after initial antibiotic treatment and cessation of fever;
- P. Varicella-Zoster (Chicken pox), until all sores have dried and crusted (usually six (6) days);
- Q. Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;
- R. Pertussis, until five (5) days of antibiotic treatment;
- S. Mumps, until nine (9) days after onset of parotid gland swelling;
- T. 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;
- U. Measles, until five (5) days after onset of rash;
- V. Rubella, until six (6) days after onset of rash;
- W. Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or
- X. 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.

206297. A licensee shall ensure that the child may return to the Center when the symptoms are no longer present or a licensed physician health care provider indicates the child poses no serious health risk to the child or to other children.

207298. A Center licensee shall not permit a child with a reportable communicable disease, as specified in the table below, to be admitted to or remain at the Center, unless:

- A. Written documentation from the child's licensed physician health care provider states the child has been evaluated and presents no risk to the child or to others; or
- B. The Center licensee has reported the illness to the County Health Officer of the Division of Public Health and has been advised the child presents no health risk to others; or
- C. If there is conflict in the opinions of the physician health care provider and the County Health Officer Division of Public Health regarding the exclusion of a child, the Center licensee shall follow the instructions of the County Health Officer Division of Public Health.

TABLE OF REPORTABLE COMMUNICABLE DISEASES

RESPIRATORY

- Chicken Pox (Varicella)
- Diphtheria
- German Measles
- Hemophilus Influenzae Disease
- Measles (rubeola)
- Bacterial (spinal) Meningitis (bacterial)
- Mumps
- Pertussis (whooping cough)
- Rubella
- Tuberculosis

GASTRO-INTESTINAL

- Campylobacteriosis
- E. Coli O157:H7
- Giardiasis
- Hepatitis A
- Salmonellosis
- Shigellosis

208299. The Center A licensee shall report any reportable communicable disease to the County Health Officer of the Division of Public Health in accordance with Division of Public Health procedures.

209300. 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 shall be are excluded from the Center in accordance with Division of Public Health procedures.

240301. 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 Requirements Rules #205296 and 207298 above, the Center licensee shall will remove the child from the group of well children to a separate area as specified in Requirement Rule #428205 until:

- A. The child can be picked up by the parent(s)/guardian(s) or suitably cared for elsewhere; or
- B. A licensed physician 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.

211302. A licensee shall ensure that while a child is cared for in the separate room/area, a Center shall ensure that the child is supervised and the child's individual needs for rest, comfort, food, drink and appropriate activity are met.

ADMINISTRATION OF MEDICATION

212303. A licensee shall ensure that only trained staff members authorized in accordance with State Law, or physicians health care providers, nurses or other qualified medical health personnel shall administer medication to children in a Center.

213304. A licensee shall ensure that medication shall is not be administered to a child by a trained staff member unless the Center licensee has received written permission from the child's parent(s)/guardian(s) for each medication to be administered.

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

- A. The name of the child;
- B. The child's date of birth;
- C. Medication allergies;
- D. Doctor's name and phone number;
- E. Pharmacy and phone number;
- F. Name of medication;
- G. Dosage (amount given);
- H. Time (when given);
- I. Route of administration (oral; eye, nose or throat drops; topical; or vaginal or rectal suppositories);
- J. Start Date;
- K. End Date;
- L. Reason for medication; and
- M. Any special directions.

214306. A licensee shall ensure that all prescription medication shall be is in its original container, properly labeled and authorized by the child's health care provider.

- A. Medication shall only be given to the child whose name appears on the prescription.

215307. A licensee shall ensure that all non-prescription medication shall be is in its original container, properly labeled with directions for its administration and shall be labeled with the child's name.

- A. Any deviations from the label instructions shall be in writing from the child's health care provider.

216308. A licensee shall ensure that all medication in the Center shall be is stored so as to be secure and inaccessible to children.

- A. Medication requiring refrigeration shall be kept in closed containers separate from food.

217309. A licensee shall ensure that unused medication shall be is returned to the parent(s)/guardian(s)

when no longer needed by a ~~the~~ child.

218~~310~~. The Center ~~A licensee~~ shall keep a record of the administration of medication to children including medication dosage, time administered, by whom administered, and any adverse effects observed.

219~~311~~. ~~A licensee shall ensure that~~ when a child is receiving medication, ~~the trained~~ staff members shall note in the records of that child and shall advise the parent(s)/guardian(s) of the occurrence of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.

CHILD ACCIDENT AND INJURY

220~~312~~. ~~A licensee shall ensure that~~ when an accident or injury occurs to a child during the hours of care, a Center ~~that the Center's staff~~ shall take the necessary emergency action to protect the child from further harm and shall notify the child's parent(s)/guardian(s).

A. The Center ~~licensee~~ shall maintain an injury report for each incident in the child's file ~~or a central log for the Center~~ and shall report to the Department ~~Office of Child Care Licensing~~ an accident or injury which results in death or hospitalization ~~inpatient or outpatient treatment~~ as required in Requirement ~~Rule #60112B & C~~. An injury report ~~or central log entry~~ shall include name of child, date, description of injury, how it occurred and first aid or medical care required.

~~B. Whenever an injury report or a central log entry is necessary, the licensee shall notify the child's parent(s)/guardian(s) to report each incident. The licensee shall maintain a record of when the parent(s)/guardian(s) was notified or of attempts to notify the parent(s)/guardian(s).~~

ADULT HEALTH

221~~313~~. The Center ~~A licensee~~ shall ensure that a staff member ~~or volunteer~~ does not provide personal care to or have direct contact with children when that staff member ~~or volunteer~~ is known to have a communicable or other reportable disease which is readily contagious to others during normal working activities, whether the person has symptoms or is a carrier of such disease.

A. A staff member ~~or volunteer~~ shall not be involved in food preparation or serving, if so indicated by the symptoms or illness. The ~~County Health Officer~~ ~~Division of Public Health~~ shall be notified of the reportable communicable disease and consulted to determine the most appropriate action, including exclusion.

FOOD AND NUTRITION

General

222~~314~~. A Center ~~licensee~~ shall have a written policy concerning food service including:

- A. A description of all food services provided;
- B. Times of snacks and meals;
- ~~C. Procedures related to food allergies, religious dietary requirements and other special needs;~~
- ~~GD. If appropriate applicable,~~ nutritional information and guidelines concerning the content of

- meals to be provided by parents/guardians;
- DE. If appropriate applicable, procedures to prevent spoilage of food brought from home;
- EE. If appropriate applicable, a procedure to be followed by the Center staff if food brought from home fails to meet nutritional requirements as specified by Requirements Rules # 235-237 329 - 331; and
- FG. This policy shall be provided to all parent(s)/guardians at enrollment.
223315. A Center licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage and clean-up.
- 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.
224316. A licensee shall ensure that the Center shall have has an annual review of a two (2) week menu analysis sample by the Division of Public Health, Office of Nutrition Child Care Licensing. Consultation and technical assistance shall be used as needed to correct any problem(s) identified by this analysis annual review and/or during licensing or complaint investigations.
225317. A Center licensee shall ensure that menus are planned in advance, are dated and are posted in a prominent place. 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 are to shall be documented on the menu for that date.
- A. A supply of food and water shall be kept in stock for emergency situations that require an extended stay at the Center or cause a power outage. Non-perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.
226318. A licensee shall ensure that meals and snacks shall be 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 Center licensee makes it known to all parents/guardians at the time of application for enrollment that meals are to be provided by parents/guardians and informs parents/guardians of the importance of sending meals that meet the nutritional requirements as specified in Rules #329 – 331 and the Appendix, Nutrition Standards; or
- C. The Center has a field trip or a specific activity requiring special meal arrangements.
227319. A licensee shall ensure that nutritional nutritious and appropriately-timed meals and snacks meeting nutritional requirements, shall be are served in accordance with the following schedule which indicates number of hours child is present at the Center:
- | | | |
|----|--------------------|---|
| A. | 2 hours - 4 hours | 1 snack; |
| B. | 4 hours - 6 hours | 1 meal and 1 snack; |
| C. | 7 hours - 11 hours | 2 meals and 1 snack/or 2 snacks and 1 meal based on time of child's arrival; or |
| D. | 12 hours or more | 3 meals and 2 snacks. |
228320. A Center licensee shall ensure that menu components and food servings provided by the Center

staff are portions suitable in accordance with the Recommended Dietary Allowance (RDA) to the size and age of the children in care, as specified in **Appendix, Nutrition Standards**.

- A. The Center **licensee** shall have supplemental foods from all four basic food groups to serve children if meals provided by parents/**guardians** fail to meet nutritional requirements as specified in Requirements **Rules #235-237329 - 331**.

321. A licensee shall ensure that the basic food groups are as follows:

A. Dairy product: whole, fluid pasteurized cow's milk;

i. Children one (1) year to two (2) years shall have whole pasteurized cow's milk when not on formula or breast milk;

B. Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, nuts;

C. Fruits and vegetables: include a variety of fresh and processed vegetables and fruits; and

D. Grains: Whole grain and enriched products such as breads, cereals, pastas, crackers and rice.

229322. A licensee shall ensure that when fruit juice is served, 100% unsweetened juice shall be **is** used, and not a fruit drink.

230323. A Center licensee shall ensure that children are encouraged but not forced to eat.

231324. A Center licensee shall provide for the introduction of a variety of food textures and finger foods in the training of self-feeding and nutrition education.

232325. A licensee shall ensure that powdered milk shall **is** not be used as a substitute for fluid milk for drinking purposes but may be used in cooking.

233326. A licensee shall ensure that special, therapeutic diets shall be **are** served by the Center **staff** only upon written instructions by a licensed physician **health care provider**.

234. Special foods provided by a parent shall be served to a child upon parent(s) request.

327. A licensee shall ensure that if the parent(s)/guardian(s) requests any modification of basic food patterns or nutritional standards (see Appendix, Nutritional Standards) due to a child's individual needs or family's food preferences, the parent(s)/guardian(s) provide the Center with written documentation from the child's health care provider permitting the modification.

328. 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.

Toddlers And Older Children

235329. A Center licensee shall ensure that a breakfast served to children of toddler age or older shall have **has** at least one (1) item from the dairy products, fruits and vegetables and grain food groups of the following four (4) food groups:

A. Dairy products: milk, milk products, cheese;

- B. Protein: meat, fish, poultry, eggs, cheese, peanut butter; dried beans, peas, nuts;
- C. Fruits and vegetables: include a variety of vegetables and fruits;
- D. Grain: Whole grain and enriched products such as breads, cereals, pastas, crackers and rice.

236.330. A Center licensee shall ensure that a lunch or dinner served to children of toddler age or older shall have has one (1) item from each of the above food groups dairy, protein and grain food groups and two (2) items from the fruit and vegetable food groups.

237.331. A Center licensee shall ensure that a snack served to children of toddler age and older shall have has at least one (1) item from two (2) of the above food groups.

- A. A Center licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parents/guardians provide meals.

332. A licensee shall ensure that the use of a cup by toddlers is encouraged.

Infants

238.333. A Center licensee shall provide meals for infants according to the following guidelines:

- A. A written statement specifying food including specific formula or type of milk breast milk, and providing a feeding schedule shall be obtained from the parent(s)/guardian(s) for each child infant on a monthly basis;
 - i. Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic food pattern or nutrition standard and require written documentation from an infant's health care provider permitting the modification;
- B. Foods shall be served on demand or during a span of time consistent with the infant's eating habits;
- BC. Introduction to all new foods shall be made in consultation only with the parent(s)/guardian(s) permission. New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;
- D. For infants four (4) to seven (7) months of age, semi-solid foods shall be introduced and required when infants within this age group show developmental readiness for such foods;
- E. Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption;
- F. Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served;
- GG. Bottles and nipples maintained by the Center staff shall be washed and sanitized before use;
- H. Formula provided by parents/guardians or by the Center shall come in a factory-sealed container;
- DI. Each child's infant's bottle shall be individually labeled with the child's infant's name and refrigerated immediately after preparation by the 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;
- K. Cow's milk shall not be served to infants;
- 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;
- N. Bottles of formula or breast milk and infant foods shall not be warmed or thawed in a microwave oven;

- O. Bottles and infant foods shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;
- EP. 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;
- Q. Refrigerated, unused, prepared formula shall be discarded after forty-eight (48) 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;
- F. Every effort shall be made to accommodate the needs of the child who is being breast-fed;
- G. Baby food for each child shall be served from a dish unless the whole contents of the jar will be served;
- H. The Center shall encourage the use of a cup by toddlers;
- U. A child An infant too young to use a feeding chair or other age-appropriate seating apparatus shall be held when fed;
- V. The same staff person shall feed a specific infant for most of that infant's feedings;
- JW. A child An infant who is unable to hold his/her bottle shall be held for bottle-feeding;
- X. A staff person shall not bottle feed more than one (1) infant at a time;
- KY. At no time shall an no infant shall be placed in his or her crib with a bottle for feeding and at no time shall or a bottle be propped for feeding a child an infant;
- Z. Juices shall not be offered to infants until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay;
- AA. Center staff shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup; and
- EBB. A daily written record of each child's infant's food/formula nutritional intake shall be maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by a child an infant shall be discussed with his/her parent(s)/guardian(s) before the child's infant's daily departure from the Center.

CHILD EARLY CARE AND EDUCATION

DISCIPLINE AND GUIDANCE BEHAVIOR MANAGEMENT

239.334 A Center licensee shall ensure that all staff use positive age-appropriate methods of discipline and guidance of children which encourage self-control, self-direction, self-esteem and cooperation

- A. Praise, rewards and encouragement, rather than punishment, shall be emphasized.

- B. Responses to a child's behavior shall be appropriate to the child's developmental level.
- C. Corporal punishments inflicted in any way on a child's body including shaking, biting, pinching, slapping or spanking shall be prohibited.
- D. Children shall not be humiliated, frightened or verbally, physically or sexually abused by staff.
- E. Children shall not be deprived of food or toilet use as punishments.
- F. Children shall not be tied or placed in mechanical restraints as a punishment.
- G. Children shall not be isolated without supervision.
- H. Children shall not be punished for not going to sleep, toileting accidents, failure to eat all or part of food or failure to complete a prescribed activity.
- I. A Center shall have a written statement in plain language regarding the discipline and guidance **positive behavior management** of children. The statement on discipline **positive behavior management** shall be posted in a prominent place in the Center and routinely provided to parents/**guardians** and staff, including substitutes and volunteers.

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

- A. Prevention of behavioral problems shall be emphasized. Prevention strategies shall include providing appropriate, educationally valuable materials and activities in an organized, stimulating environment, and setting realistic expectations for young children when planning the program.
- B. Staff shall praise and encourage children for positive behavior and redirect or guide inappropriate behavior into more positive actions, rather than relying on punishment.
- C. Responses to a child's behavior shall be appropriate to the child's level of development and understanding.
- D. "Time-out", if used, shall be employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of behavior management. "Time-out" shall be limited to brief periods – 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.
- E. 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.
- F. "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.
- G. Corporal punishment inflicted in any way on a child's body including shaking, hair pulling, biting, pinching, slapping or spanking shall be prohibited.
- H. Children shall not be yelled at, humiliated, frightened or verbally, physically or sexually abused by staff.
- I. Disparaging comments about a child's appearance, ability, ethnicity, family and other personal characteristics shall be prohibited.
- J. Children shall not be deprived of food or toilet use as a consequence of inappropriate behavior.

- K. Children shall not be tied or placed in mechanical restraints as a consequence of inappropriate behavior.
- L. 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.
- M. The Center shall consult with professionals and with the parent(s)/guardian(s) to design effective behavioral interventions and to adapt behavior management practices for a child who has a special need(s), including a behavioral and/or emotional disability.

ENROLLMENT

240336. A Center licensee shall ensure that the daily population at the Center is in accordance with any size capacity restrictions on the Center's license.

337. A licensee shall ensure that a child not attend the Center without first obtaining the following information from the parent(s)/guardian(s):

- A. Child's first and last name;
- B. Child's birth date;
- C. Child's home address;
- D. Child's home phone number;
- E. Parent(s)/guardian(s)' name(s);
- F. Parent(s)/guardian(s)' place(s) and hours of employment;
- G. Parent(s)/guardian(s)' work phone number(s);
- H. Name(s) of person(s) other than parent(s)/guardian(s) to be notified in an emergency situation when parent(s)/guardian(s) can not be contacted;
- I. Name(s) of other person(s) other than parent(s)/guardian(s) to whom child may be released;
- J. Permission for child's emergency medical care;
- K. Child's medical or food allergies; and
- L. Name and phone number of the child's health care provider.

241338. A Center licensee shall make every effort to ensure that admission enrollment procedures involve a meeting with the parent(s)/guardian(s), or parent substitute and the child whenever possible either prior to or no later than one (1) week after the first day of attendance to:

- A. Secure necessary information about the child;
- BA. Determine if the child can benefit from the day care Center's program can effectively meet the child's developmental and educational needs, and what accommodations or other planning may be needed to do so; and
- C. Provide parent(s) with the Center's policies as required; and
- DB. Provide an opportunity for the parent(s)/guardian(s) and child to observe the Center and program.

TRANSITIONS

339. A licensee shall ensure that staff work with the parent(s)/guardian(s) to create and utilize a positive transition plan when admitting a new child into the Center using such procedures as the exchange of pertinent information concerning the child, phased-in entry to the program and the assignment of

a primary staff member especially for an infant or toddler.

340. A licensee shall ensure that staff create and utilize a positive transition plan when a child is moved from a particular group or room due to a child's age change or reassignment of staff members using such procedures as the exchange of pertinent information concerning the child, and phased-in entry to a new room, group, and/or with a newly assigned staff member(s).

PARENTS/GUARDIANS COMMUNICATION

242341. A Center licensee shall have and use a written policy regarding parents/guardians communication and involvement in the Center including:

- A. Assurances that parents/guardians visits and parent monitoring of the program are welcomed;
- B. Assurances of nondiscrimination and respect for each child's family and culture;
- BC. Procedures for ensuring that parent(s)/guardians are kept informed concerning the program and their children's developmental and educational progress;
- D. Information about procedures used by the Center to assess children's accomplishments and needs and, when there are concerns, to refer parents/guardians for additional help in the community;
- EE. Opportunities for involvement of parent(s)/guardians in the Center;
- DE. Procedures for a minimum of one (1) conference annually between Center staff and parent(s)/guardians;
- EG. A procedure encouraging parent(s)/guardians to review current licensing requirements rules made available at the Center;
- FH. A clear procedure for making and handling parental complaints from parents/guardians regarding the Center;
- I. A statement of the Center's developmental and educational goals for all children;
- GJ. A typical daily overall schedule of the Center's programs and activities; and
- HK. Procedures related to release of children.

243342. A licensee shall ensure that this policy shall be is provided to parent(s)/guardians upon at enrollment.

244343. A Center licensee shall ensure that parent(s)/guardians shall have access to the Center to observe their children at any time without prior approval of the Center.

344. A licensee shall not disclose or permit the use of any information pertaining to an individual child or family gained through the Center's records, files, videotaping, tape recording, photographing, assessments or any type of documentation unless a parent/guardian has granted written permission to do so, except in the course of performance of official duties and to employees or representatives of the Office of Child Care Licensing.

ACTIVITIES PROGRAM GOALS AND PLANNING

345. 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. The goals shall reflect what the Center hopes to accomplish through its program of activities.

245~~346~~. A Center shall have a program of varied activities and sufficient equipment and supplies to implement that program. A licensee shall have a written plan of developmentally appropriate activities designed to help all children reach the goals described in Rule #345. The activity plan shall be current and accessible to parents/guardians and staff. The activity plan shall include at least one (1) daily activity for each goal specified in Rule #345. 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.

- A. The Center Activities shall be have a program of varied, developmentally appropriate, related to themes, culturally meaningful and educationally valuable and activities designed to promote the development of language, literacy, reasoning and problem-solving skills, understanding of numbers and other mathematical and scientific concepts and thinking skills, large and small muscles skills, social skills, understanding and self-regulation of emotions, self-esteem and positive self-image, as appropriate to the ages and functioning developmental levels of children in care. Adaptations of activities shall be made for children with disabilities to enable them to reach goals described in IEPs and IFSPs.
- B. The program shall ensure that children do not spend excessive units of time sitting or confined to cribs or playpens.

347. A licensee shall ensure that activities and materials reflect children's cultures, and communities, including both familiar and new materials, pictures, and experiences. Staff shall consult with parents/guardians about care practices specific to their children's culture and community, and provide as much consistency as possible in their direct child care practices especially concerning infants and toddlers.

348. A licensee shall ensure that adaptations and accommodations be made in activities, adult-child interactions, teaching strategies, and materials or equipment when needed to support the positive development of all children including those with disabilities.

246~~349~~. A licensee shall ensure that the program in a Center shall provide provides physical care routines appropriate to each child's developmental needs, including a supervised rest period after the noon meal.

- A. A Center licensee shall provide opportunities for rest/sleep for each child in attendance according to the child's individual physical needs.

- B. 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 additional rest or sleep.
- C. The rest area(s) shall be adequately lighted to allow for visual supervision at all times.

247. ~~The program shall include indoor and outdoor time periods with:~~

- ~~A. Alternating active and quiet activities;~~
- ~~B. Opportunity for individual and group activities;~~
- ~~C. Outdoor time each day that weather permits; and~~
- ~~D. Opportunities for children to choose materials freely.~~

248. ~~A Center shall develop and keep on file a written plan of daily activities appropriate to the developmental levels of children and the type of program offered.~~

350. A licensee shall have and follow a schedule for each group of children posted for easy reference by parents/guardians and staff. The schedule shall show blocks of time usually assigned to types of activities and include periods for both active play and quiet play or rest. Blocks of time shall show activities that are scheduled for indoor and outdoor areas. The schedule shall reflect daily opportunities for both free-choice and staff-directed activities.

351. A licensee shall ensure that for toddlers and older, indoor physical space is organized into activity areas. An activity area shall be an identifiable space that is accessible to children and where related equipment and materials are kept in an orderly fashion. Activity areas shall include the following and involve activities available on a daily basis:

- A. Language and literacy area (including books and writing materials);
- B. Dramatic play area;
- C. Construction/block area (unit blocks and accessories);
- D. Creative arts area (drawing materials, clay or play dough); and
- E. Manipulative/mathematics/problem solving area (including puzzles, small construction toys, objects to sort).

352. A licensee shall ensure that other activity areas include the following and involve activities available at least once a week:

- A. Cooking;
- B. Science and nature investigation;
- C. Music and rhythm; and
- D. Multi-sensory play tables using materials such as water, sand, rice or beans.

353. A licensee shall ensure that large muscle activities are planned for both indoor and outdoor settings.

DOCUMENTING CHILDREN'S PROGRESS

354. A licensee shall have an organized system for documenting the progress of individual children in relation to appropriate developmental and educational goals. This documentation shall also be used to identify possible concerns, and to identify activities and experiences that may benefit the child. A child shall be observed at least three (3) times over a one (1) year period. The system shall include more than one (1) source of information from the following:

- A. Developmental checklists and other assessment tools;
- B. Information from the parent(s)/guardian(s);
- C. Examples of the child's drawings, writing or art;
- D. Photographs and descriptions of class projects; and
- E. Other sources of information about the child's development and learning in the program.

355. A licensee shall ensure that information gathered to document a child's progress is 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 (Under two (2) years of age)

249~~356~~. A Center licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children (unless ~~11~~ twelve (12) or fewer children in total are present).

250~~357~~. A caregiver licensee shall ensure that a staff member shall ~~is~~ always be in the room with the infants and toddlers.

358. A licensee shall ensure that infants are placed on their backs when putting them down to sleep.

- A. If an exception to this rule is necessary due to a child's physical or medical condition, the licensee shall have documentation from the child's health care provider stipulating the appropriate sleeping position for that child.

~~251. A Center shall allow each infant to spend time outside the crib or playpen each morning and afternoon in a sanitary area protected from foot traffic.~~

~~252. A Center shall ensure that infants, while awake, remain in their cribs for no longer than one hour as long as they stay content and responsive~~

253~~359~~. A Center 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, if used, shall have a wide base and a T-shaped safety strap.

254~~360~~. A Center licensee shall provide a rocking chair or other comfortable adult-size seating for at least one-half (1/2) of the caregivers staff members on duty in the infant area.

~~255. A Center shall provide a minimum of three (3) different age-appropriate daily activities from the following:~~

- A. Sensory stimulation activities;
- B. Language stimulation;
- C. Activities designed to encourage coordination and fine motor skills;
- D. Building activities;
- E. Activities designed to encourage social interaction;
- F. Large muscle activities;
- G. Activities designed to encourage problem-solving and

intellectual development; and
H. Musical activities:

256. A Center shall maintain a record of each child's daily activities to be shared with the parent daily when the child is picked up:

PROGRAM FOR INFANTS

361. 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. The plan shall include 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).

362. A licensee shall ensure that staff keep 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.

363. A licensee shall ensure that staff interacts with infants providing the following opportunities throughout the day:

A. Offering frequent face to face interaction with infants when they are awake;

B. Being held and carried;

C. 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;

D. Talking with infants during play, feeding and routine care;

E. Reading to and looking at books with infants while holding or sitting close to them;

F. Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;

G. Responding to infants' actions, sounds and beginning language;

H. Giving names to objects and experiences in the infants' environment;

I. Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling and standing; and

J. Providing materials and encouragement for infants' beginning pretend play alone, with other children and with staff.

PROGRAM FOR TODDLERS

364. 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. The plan shall include 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).

365. 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:

- A. Offering frequent face to face interactions with the toddlers;
- B. Having conversations with toddlers during play, feeding, and routine care;
- C. Reading to and looking at books with toddlers individually and in small groups;
- D. Encouraging children to play with one another with adult help;
- E. Providing materials and encouragement for pretend play alone and with other children and adults;
- F. Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
- G. Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills;
- H. Responding to toddlers' words and actions with interest and encouragement;
- I. Giving names to objects and experiences in the toddlers' environment; and
- J. Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.

PROGRAM FOR PRESCHOOL-AGE CHILDREN OVER TWO (2) YEARS OF AGE

257. A Center shall provide a minimum of five (5) different age-appropriate daily activities from the following:

- A. Art activities;
- B. Large muscle activities;
- C. Manipulative activities;
- D. Musical activities;
- E. Dramatic play;
- F. Science activities;
- G. Water, sand or other sensory activities;
- H. Cooking activities; and
- I. Language arts activities.

366. 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:

- A. Offering frequent face to face interactions with children;
- B. Having conversations with children during play, meals and routine care;
- C. Reading to and looking at books with children individually and in groups;
- D. Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;
- E. Helping children develop mathematical and scientific concepts through play, projects, and investigations of the Center's environment;
- F. Supporting the development of social competence through play and cooperative work with

other children;

- G. Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
- H. Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
- I. Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills;
- J. Responding to children's words and actions with interest and encouragement;
- K. Giving names to objects and experiences in the children's environment; and
- L. Supporting children's development of independence and mastery of skills.

CARE OF SCHOOL-AGE CHILDREN

- 367. 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.
- 368. 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.

PROGRAM FOR SCHOOL-AGE CHILDREN

- 369. A licensee shall ensure that staff interacts with school-age children providing opportunities, materials, and equipment as described in Rule # 422 of Part III, School-Age Center rules.

EQUIPMENT

- 370. A licensee shall provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall promote a variety of experiences that support children's social, emotional, language/literacy, intellectual, and physical development.
- 371. A licensee shall ensure that materials and equipment be available in a quantity to allow all children to benefit from their use and to allow a range of choices with, at least, duplicates of the most popular materials.
- 372. A licensee shall ensure that for infants and toddlers under eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule #371:
 - A. Sensory supplies and equipment: crib mobiles, teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;
 - B. Language/dramatic play supplies and equipment: picture books, toy telephones, tapes or CD's, hand puppets, washable stuffed animals and dolls, photographs, or comparable supplies or equipment;
 - C. 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;
 - D. 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;

E. 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

F. 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.

373. 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 # 371:

A. 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;

B. 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 and supplies, cooking supplies, weather chart and/or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;

C. Manipulative supplies and equipment: puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;

D. 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;

E. Building activities: unit blocks (minimum of four (4) sizes), transportation toys, farm animals and/or play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;

F. 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;

G. 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

H. 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 and dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment.

258374. A Center licensee shall ensure that toys, play equipment and other equipment used by the children shall be are of substantial sturdy and safe construction and free from such hazards as entrapment, rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

~~375. 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.~~

~~259. A Center shall provide play equipment and materials that are varied and appropriate to the developmental needs and ages of children.~~

~~A. There shall be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.~~

~~376. 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.~~

~~377. 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.~~

~~378.~~ A Center licensee shall prohibit toys that explode or fire projectiles.

~~379.~~ A Center 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.

FIELD TRIPS

~~262. A Center shall provide adequate staff supervision of children during trips off the Center's premises to ensure safety.~~

~~263. During routine program outings in close proximity to the Center, a Center shall have a minimum of two (2) caregivers or other adults with staff/child ratios maintained in accordance with Requirement 92.~~

~~264. During field trips, the staff/child ratios shall be according to the chart below:~~

Age of Youngest Child in Group	Maximum Number of Children to be Supervised by One Adult
0 - 23 months	2
2 years	6
3 years	8
4 years	9
5 years	11
6 years and older	15

- ~~A. Staff shall have a list of the children present and shall check the roll frequently.~~
- ~~B. Staff shall have access to medical consent forms and emergency contact information for all children.~~
- ~~C. Staff must have first aid supplies available.~~
- ~~D. Children shall have tags or other means of providing a contact telephone number.~~
- ~~E. Staff shall have a plan for transportation of children in the event of an emergency.~~

SMOKING, ALCOHOL AND DRUG USE PROHIBITED

265380. A Center licensee shall ensure that no person smokes in the presence of children at on the Center's premises either indoors or outdoors or shows signs of alcohol or drug use while at the Center.

RELEASE OF CHILDREN

266381. A Center licensee shall have and use written policy and procedures for the release of children including:

- A. Procedures ensuring documentation of the release of the child from the responsibility of Center staff to an authorized person;
- B. Procedures for emergency release of children as individually requested by parents/guardians;
- C. Procedures regarding the release of the child to any person not known to Center staff; and;
- D. Procedures to be followed when a person not authorized to receive a child, or a person showing clear signs of drug or alcohol use who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child;
- E. Procedures for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian; and
- EE. This release policy shall be provided to all parents/guardians of the children in attendance, staff members and volunteers.

267382. A Center licensee shall ensure that a child is released only to a parent/guardian or a person authorized by the parent/guardian to receive the child.

268383. A Center licensee shall have a procedure to verify the identity of any person receiving a child prior to releasing the child when that person is not known to Center staff and shall keep written documentation of such verification for at least twenty-four (24) hours.

269384. A licensee shall ensure that when a parent/guardian calls the Center requesting emergency release of a child, the Center staff member shall verify verifies the identity of the parent/guardian prior to releasing the child.

PART II
~~DROP-IN CARE~~

GENERAL REQUIREMENTS

~~270. Drop-in Care may be provided by a Center licensed to provide only Drop-in Care or as a component of a licensed Center.~~

HUMAN RESOURCES

NUMBER OF STAFF

~~271. A Center providing Drop-in Care shall have sufficient staff available to efficiently handle the admission procedure, irregular check-in and check-out hours and communication with parents.~~

CHILD CARE

NUTRITION

~~272. A Center providing Drop-in Care shall, on admission, inform parents of the menu of any meals or snacks served by the program.~~

~~273. A Center providing Drop-in Care shall ensure that each child in care shall, at a minimum, be provided a snack meeting nutritional requirements.~~

HEALTH CARE

~~274. A Center providing Drop-in Care shall either comply with Requirement 200 or shall obtain a statement from the child's parents indicating that the child's immunizations are up-to-date and that the child's general health is satisfactory and describing any health problem, handicap or allergy of the child. The statement shall include any special needs or requirements of the child and attest that the child is free from communicable disease.~~

Proposed – Fall 2003

PART III 
NIGHT CARE

Proposed – Fall 2003

GENERAL REQUIREMENTS **RULES**

275~~385~~. Night Care may be provided by a Center licensed to provide only Night Care or as a component of a licensed Center.

276~~386~~. A Center licensed to provide only Night Care shall be exempt from the following requirements **rules** in **Part I, GENERAL PROVISIONS**:

- A. Requirements **Rules #98, 100, 170 & 172** (Number of Staff); **and**
- B. Requirements **Rules # 111-118, 183 - 192** (Outdoor Area).

PHYSICAL ENVIRONMENT AND SAFETY

SECURITY

277~~387~~. A **licensee** Center providing Night Care shall show evidence of a security program to ensure that access to children is limited to authorized persons.

278~~388~~. A **licensee** Center providing Night Care shall ensure that the exterior of the building is illuminated in accordance with Requirement **Rule #168, 245**.

SLEEPING ARRANGEMENTS

279~~389~~. A **licensee** Center providing Night Care shall have **ensure that** sleeping arrangements such **are structured so** that children who are awake **may be are** cared for in a separate area from sleeping children and **in a manner such that** sleeping children are not disturbed.

280~~390~~. A **licensee** Center providing Night Care shall ensure that children over the age of seven (7) years do not share a dressing area with persons of the opposite sex.

281~~391~~. A **licensee** Center providing Night Care shall ensure that each child **shall be is** provided **with** sleeping equipment as specified in Requirements **Rules #122—127, 199 - 204**.

282~~392~~. A **licensee** Center providing Night Care shall ensure that each child **shall have has** individual, clean, **and** comfortable sleeping garments.

BATHING FACILITIES

283~~393~~. A **licensee** Center providing Night Care shall follow parental **the parent(s)/guardian(s)** preference regarding bathing for each **the** child as discussed with **the** parent(s)/guardian(s) and noted in the child's record.

- A. If bathtubs and showers are used, they shall be equipped to prevent slipping.
- B. Infants shall be bathed in age-appropriate bathing facilities.
- C. Portable bathing facilities **are shall be** acceptable for bathing children before bedtime.
- D. Under no circumstances shall a child be bathed in a sink utilized for cleaning dishes and/or utensils.
- E. **Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been cleaned and sanitized before each use.**
- F. **Children shall be bathed individually and not be placed together in a bathtub or shower.**

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

EH. Individual towels and washcloths shall be provided for each child.

284~~394~~. A licensee Center providing Night Care shall ensure that no child under eight (8) years of age shall be is left unsupervised while in a bathtub or shower.

285~~395~~. A licensee Center providing Night Care shall ensure that there shall be is a nightlight in the bathroom, hallway and sleeping areas as dictated by the individual needs of the children.

GROOMING AIDS

286~~396~~. A licensee Center providing Night Care 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.

HUMAN RESOURCES

AWAKE STAFF

287~~397~~. A licensee shall ensure that staff members of a Center providing Night Care shall be are awake at all times and shall monitor sleeping children.

NUMBER OF STAFF

288~~398~~. A licensee Center providing Night Care shall ensure that when all children one (1) year and older are sleeping at least one-half (1/2) of the required staff complement shall be are physically present with the children and directly observing the children.

289~~399~~. A licensee Center providing Night Care shall have 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 Center 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 caregiving direct child care during that time.

CHILD CARE

ACTIVITIES

290~~400~~. A licensee Center providing Night Care shall have ensure that a program of appropriate activities is provided for to children before bedtime.

- A. In a Center licensed to provide only Night Care, there shall be a written plan for outdoor play, approved by the Department, to ensure the safety of children.

291401.A licensee Center providing Night Care shall provide ensure that each child is given with individual attention at bedtime and upon awakening.

- A. The Center licensee shall discuss with the parent(s)/guardian(s) any special preferences or habits of each the child regarding bedtime and awakening and share this information with the staff member in charge of the child's caregiver.

Proposed – Fall 2003

PART IV III
SCHOOL-AGE CARE CENTER

Proposed – Fall 2003

GENERAL REQUIREMENTS **RULES**

~~292~~**402.** School-Age Care may be provided by a **School-Age** Center licensed only to provide School-age Care or as a component of a licensed 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.

~~293~~**403.** A **School-Age** Center licensed to provide only School-age Care shall be exempt from the following requirements **rules** in **Part I, GENERAL PROVISIONS:**

- A. Requirements **Rules #130–133**~~207 - 210~~ (Number of Toilets);
- B. **Rule #272 (General Safety Practices – Outlet Covers);**
- ~~BC.~~ Requirement **Rules #238**~~328, 332 & 333~~ (Infant **and Toddler** Food and Nutrition);
- C. ~~Requirements 247, 249-256, 257 (Activities);~~
- D. **Rules #354 & 355 (Documenting Children's Progress);**
- E. **Rules #356 - 360 (Infant And Toddler Care);**
- F. **Rules #361 - 363 (Program For Infants);**
- G. **Rules #364 & 365 (Program For Toddlers);**
- H. **Rule #366 (Program for Preschool-Age Children); and**
- ~~DI.~~ Requirement **Rule #261**~~379~~ (Equipment).

HUMAN RESOURCES

STAFF QUALIFICATIONS

~~294.~~ A Center providing School-age Care shall have staff qualified to work with the age group served by the Center.

- A. ~~In relation to 83 and 85, credit hours in recreation, physical education or elementary education shall be accepted as meeting the educational credit hour requirements.~~
- B. ~~Other qualifying experience and training appropriate to school-age children shall be accepted as approved by the Department.~~

404. A staff member who is in a position at a School-Age Center before the effective date of these rules shall have four (4) calendar years from the effective date to meet the qualifications of a School-Age Administrator and two (2) calendar years to meet the qualifications of a School-Age Site Coordinator, School-Age Site Assistant, and School-Age Intern provided the person remains at that School-Age Center. A person appointed to a position after these rules become effective shall meet the qualifications of these rules for that position.

- A. Prior to appointing or assuming the role of School-Age Administrator, the licensee shall review the staff member's qualifications with the Office of Child Care Licensing to obtain approval for the position. Staff in this position may be provisionally hired no longer than one (1) month.

School-Age Administrator

405. A licensee shall ensure that a School-Age Administrator meets the same qualifications as an Early Childhood Administrator in relation to Rules #139, 140 and 143 with the following additional options:

- A. In relation to experience, working with school-age children in a group setting;
- B. In relation to Bachelor or Associate degrees, credits hours in recreation, physical education, elementary education, or school-age care, or school-age care administration;
 - i. In relation to credit hours, successful completion of the following may substitute for twelve (12) credit hours – a Montessori Elementary I or Elementary II Credential from a MACTE approved training program; and
- C. In relation to Associate Degree, in a field related to recreation, school-age care or school-age care administration.

406. A licensee shall ensure that a School-Age Administrator has three (3) credit hours, which may be included in the fifteen (15) credit hours required for the position, or forty-five (45) clock hours of approved training in school-age care administration or early childhood administration that is applicable to School-Age Centers.

School-Age Site Coordinator

407. A licensee shall ensure that the School-Age Site Coordinator is at least twenty (20) years of age and meets the following qualifications:

- A. At least successful completion of twelve (12) credit hours in early childhood education, child development, recreation, physical education, elementary education or school-age care and three (3) years experience working with children school age or younger in a group setting;
 - i. In qualification (A), successful completion of *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") may substitute for three (3) credit hours.
 - ii. In qualification (A), successful completion of *Delaware First's* "Training for Early Care and Education 2" (formerly "Advanced Core Curriculum Plus") may substitute for three (3) credit hours.
 - iii. In qualification (A), successful completion of the following may substitute for twelve (12) credit hours – a Montessori Elementary I or Elementary II Credential from a MACTE approved training program.

408. A licensee shall ensure that the School-Age Site Coordinator has successfully completed at least three (3) credit hours or forty-five (45) clock hours of training in curriculum development for elementary education or school-age care if assigned the responsibility of the development, evaluation or monitoring of the School-Age Center's curriculum.

School-Age Site Assistant

409. A licensee shall ensure that the School-Age Site Assistant is at least eighteen (18) years of age and meets one (1) of the following qualifications:

A. At least successful completion of three (3) credit hours or forty-five (45) clock hours of training in child development, recreation, physical education, elementary education or school-age care and 400 hours experience working with children school age or younger in a group setting:

i. 400 hours experience shall be equivalent to one (1) year of part time employment providing care to children during a school year (September to June) or full time employment providing care to children during the majority of one (1) summer season (June through August).

ii. In qualification (A), successful completion of *Delaware First's* "Training for Early Care and Education 1" (formerly "Basic Core Curriculum Plus") may substitute for three (3) credit hours; or

B. At least successful completion of *Delaware First's* "Introduction to School-Age Care" within three (3) months of employment and 800 hours of experience working with children school age or younger in a group setting:

i. 800 hours experience shall be equivalent to two (2) years of part time employment providing care to children during two (2) school years (September to June) or full time employment providing care to children during the majority of two (2) summer seasons (June through August).

School-Age Intern

410. A licensee shall ensure that the School-Age Intern is at least sixteen (16) years of age and meets one (1) the following qualifications:

A. At least successful completion of *Delaware First's* "Introduction to School-Age Care" within three (3) months of employment; or

B. Training approved by the Office of Child Care Licensing as equivalent to (A).

STAFFING

411. 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.

412. 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.

413. A licensee shall ensure that when a School-Age Administrator is responsible for more than one (1) School-Age Center, there is a School-Age Site Coordinator at the Center whenever the School-Age Administrator is not present.

414. A licensee shall ensure that 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.

415. A licensee shall ensure that when a School-Age Administrator is solely responsible for a School-Age Center, a staff member who meets the qualifications for the position of a School-Age Administrator or School-Age Site Coordinator is at the School-Age Center at least seventy-five percent (75) of the hours of operation.

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

PHYSICAL ENVIRONMENT AND SAFETY

GENERAL

295. When ten (10) or more school-age children are present, a Center providing School-Age Care as a component of a licensed Center shall care for any children in the first grade and beyond in an area physically separated from younger children:

296. A Center providing School-age Care shall provide a space for quiet work or study:

OUTDOOR PLAY AREA

297. A Center providing School-age Care licensee shall have plans approved by the Department Office of Child Care Licensing for a suitable and safe outdoor play area.

- A. A Center licensee shall provide either safe open outdoor spaces for running and games or supervised excursions to public and private playgrounds.
- B. The outdoor play area for school-age children shall be physically separated or used at separate times from that provided for children younger than school-age.

418. 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

298. A Center providing School-age Care licensee shall have 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

299~~420~~. A Center providing School-age Care licensee shall document arrangements with parents/guardians and the ~~their children's~~ schools regarding any transportation provided by the Center licensee to and from the ~~School-Age~~ Center, as appropriate.

HEALTH CARE

FOOD AND NUTRITION

~~421. A licensee shall ensure that a nutritious snack comprising one (1) item from two (2) of the four (4) food groups as described in Rule #321 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.~~

CHILD CARE

ACTIVITIES

300~~422~~. A Center providing School-age Care licensee shall have ~~ensure that~~ a program of indoor and outdoor activities ~~and supplies and equipment is provided~~ suitable for ~~based on~~ the ages and developmental levels of ~~school-age~~ children served.

~~A. Children shall be given daily opportunities for active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment, sports appropriate to age, relaxation and, whenever possible, outdoor activity immediately after school.~~

~~B. Children shall have daily outdoor activities after school. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors.~~

~~C. Children shall have daily opportunities for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.~~

~~D. Children shall have monthly 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.~~

~~E. As described in Rule #373, supplies and equipment shall be adapted to suit the different ages and interests of the school-age children and include books for all reading abilities.~~

~~F. The quantity of materials and equipment available to school-age children shall be sufficient 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. A nutritious snack shall be provided to each child upon arrival at the Center from school.~~

~~GG. Children shall have the opportunity to take responsibility consistent with their ages for choosing, planning, carrying out and evaluating their own activities.~~

~~DH. Children shall be given opportunities to experience a diversity of activities within the Center, the Center neighborhood, and the total community that reflect the various communities, languages and cultures of the children in attendance.~~

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PART V
SPECIALIZED DAY CARE

Proposed – Fall 2003

GENERAL REQUIREMENTS

LEVELS OF SPECIALIZED DAY CARE

301. ~~Specialized Day Care may be provided by a Center licensed only to provide Specialized Day Care or as a component of a licensed Center.~~
302. ~~The level of regulation for Specialized Day Care shall be determined by the number of children with special needs in attendance at a Center.~~

Level One

303. ~~Level One shall apply when the number of children with special needs in attendance at a Center meets one (1) or more of the following criteria:~~
- A. ~~The number does not exceed four (4) children;~~
 - B. ~~The number does not exceed 10% of the Center's total population in attendance;~~
 - C. ~~The number does not exceed one (1) child per age group.~~
304. ~~When a Center is at Level One, the staffing needs for each child with special needs shall be determined by the child's Special Needs Activity Plan. Requirements 307-326 shall apply to the Center, except for 315, 316 and 321.~~

Level Two

305. ~~Level Two shall apply when the number of children with special needs in attendance at a Center meets one (1) or more of the following criteria:~~
- A. ~~The number exceed four (4) children;~~
 - B. ~~The number exceed 10% of the Center's total population in attendance;~~
 - C. ~~The number exceeds one (1) per child age group.~~
306. ~~When a Center is at Level Two, Requirements 307-326 shall apply.~~

ENROLLMENT

307. ~~A Center providing Specialized Day Care shall have admission procedures for a child with special needs which shall include:~~
- A. ~~A written referral relevant to the placement in day care from a licensed physician, psychologist or specialist certified in the field of the child's special needs.~~
 - B. ~~A written plan for communicating with family and professionals serving the child's special needs for the duration of the child's enrollment.~~
 - C. ~~A trial attendance period for each child not to exceed six weeks to evaluate the appropriateness of the program, adequacy of the physical site and compatibility of the child with program.~~

SPECIAL NEEDS ACTIVITY PLAN

308. ~~For each child with special needs in care, a Center providing Specialized Day Care shall develop a written plan of the child's special needs.~~

309. ~~A Center providing Specialized Day Care shall ensure that the plan shall be developed by a team which includes day care staff who will be responsible for working with the child on a daily basis, the child's parent(s) and specialist(s) working with the child or referring agency.~~
310. ~~A Center providing Specialized Day Care shall ensure that the plan shall identify the special needs of the child, in the following areas, as appropriate:~~
- ~~A. Physical therapy;~~
 - ~~B. Occupational therapy;~~
 - ~~C. Speech and language therapy;~~
 - ~~D. Psychological or psychiatric services;~~
 - ~~E. Educational services;~~
 - ~~F. Social services;~~
 - ~~G. Nutrition services;~~
 - ~~H. Special equipment.~~
311. ~~A Center providing Specialized Day Care shall ensure that the plan shall include the following:~~
- ~~A. Staffing needs for the child, specifying the staff/child ratio.~~
 - ~~B. An outline of any special activities, to be carried out by the day care staff in the daily management of the child, as specified by specialists working with the child or the referring agency.~~
312. ~~A Center providing Specialized Day Care shall ensure that a copy of the Special Needs Activity Plan shall be located within the area of the child's daily care.~~

COMMUNICATING WITH STAFF

313. ~~A Center providing Specialized Day Care shall ensure that, for each child with special needs, all staff working with that child shall be given briefings on the child's special needs and daily activities, as specified in the child's Special Needs Activity Plan.~~
- ~~A. The Center shall conduct an initial briefing for involved staff upon each child's enrollment.~~
 - ~~B. The Center shall ensure periodic briefings for involved staff at least monthly to update on changes in the child's plan.~~
 - ~~C. The staff briefings shall be documented in writing.~~

HUMAN RESOURCES

STAFF QUALIFICATIONS

314. ~~A Center providing Specialized Day Care at Level One shall have specific arrangements with an individual certified in special education or early childhood special education who will agree to provide ongoing consultation on policy, procedures and program related to Specialized Day Care.~~
315. ~~A Center providing Specialized Day Care at Level Two shall ensure that the staff member responsible for supervising the direct care provided to children with special needs other than those provided only school age care shall comply with Requirement 85 of **Part I, GENERAL PROVISIONS**, with 60 clock hours of training in early childhood special education plus one (1) year~~

experience working with children.

316. ~~A Center licensed primarily to provide Specialized Day Care shall have a Program Director whose qualifications as specified in Requirement 83 of **Part I, GENERAL PROVISIONS**, include fifteen (15) credit hours of training in special education and early childhood special education and one (1) year experience working with children with special needs, of which at least three (3) months shall be supervised experience.~~

ORIENTATION AND TRAINING

317. ~~A Center providing Specialized Day Care shall document that the orientation training, as required by Requirement 89, for each new staff member assigned to children with special needs includes training in early childhood special education.~~

318. ~~A Center providing Specialized Day Care shall document that annual training, as specified in Requirement 91, for all staff members assigned to children with special needs, includes training in early childhood special education.~~

NUMBER OF STAFF

319. ~~A Center providing Specialized Day Care shall document that it has sufficient staff to perform immediate and safe emergency evacuation of all children and to provide care to children appropriate to their age, developmental levels and degree of dependency.~~

320. ~~A Center providing Specialized Day Care at Level One shall provide staffing for each child as specified in the child's Special Needs Activity Plan:~~

A. ~~The Special Needs Activity Plan for each child shall be the primary determinant of the child's staffing needs.~~

321. ~~A Center providing Specialized Day Care at Level Two shall provide at least one (1) Caregiver or Assistant Caregiver for every four (4) children with special needs or any fraction thereof, unless staffing needs are otherwise specified in the Special Needs Activity Plan for children in attendance.~~

A. ~~The Special Needs Activity Plan for each child shall be the primary determinant of the child's staffing needs.~~

PHYSICAL ENVIRONMENT AND SAFETY

ACCESSIBILITY – PHYSICAL SITE

322. ~~A Center providing Specialized Day Care shall ensure that toilet facilities are architecturally accessible to the children served.~~

323. ~~A Center providing Specialized Day Care serving non-ambulatory children shall have doors, walkways, ramps and landings which permit the use of wheelchairs, braces, walkers and other such equipment and devices.~~

TRANSPORTATION

324. ~~When a Center providing Specialized Day Care serving non-ambulatory children transports children in a vehicle which is equipped with a ramp or hydraulic lift to allow entry and exit, the following shall apply:~~
- A. ~~Wheelchairs shall be securely fastened to the floor when used to seat children in a vehicle and shall be equipped with seat belts;~~
 - B. ~~Arrangements of wheelchairs in a vehicle shall not impede access to exits.~~

CHILD CARE

ACTIVITIES

325. ~~A Center providing Specialized Day Care shall have a program appropriate to the age, developmental levels and special needs of children served, in accordance with Requirements 249-261 in **Part I, GENERAL PROVISIONS**:~~
- A. ~~The program shall include activities as specified in the Special Needs Activity Plan for each child.~~

EQUIPMENT

326. ~~A Center providing Specialized Day Care shall have available sufficient equipment to implement this program:~~
- A. ~~Appropriate play equipment shall be available to implement the Special Needs Activity Plan for each child.~~

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SPECIALIZED DAY CARE

FAMILY AND GROUP DAY CARE HOMES

~~A Day Care Home providing Specialized Day Care shall comply with all requirements of Delaware: Requirements for Family Day Care Homes or Licensing and Approving Group Day Care Homes, as applicable:~~

Level One

~~Level One shall apply when the home provides care for one (1) child with special needs. The staffing needs of the child shall be determined by the child's Special Needs Activity Plan.~~

~~In addition, the home shall comply with the following requirements:~~

- ~~A. — 301 (Enrollment)~~
- ~~B. — 302 – 306 (Special Needs Activity Plan)~~
- ~~C. — 308 (Records)~~
- ~~D. — 309 (Consultation)~~
- ~~E. — 312 – 313 (Orientation and Training)~~
- ~~F. — 320 – 321 (Activities)~~

Level Two

~~Level Two shall apply when the home provides Specialized Day Care to more than one (1) child with Special Needs:~~

~~Special approval shall be obtained from the Department prior to the care of more than one (1) child. The Department shall take into consideration the following in granting such approval:~~

- ~~A. — Number of children with special needs:~~
- ~~B. — Type of special needs:~~
- ~~C. — Type of services required by the child(ren):~~
- ~~D. — Number of children who could be safely evacuated:~~

~~In addition the home shall comply with following requirements:~~

- ~~A. — 301 (Enrollment)~~
- ~~B. — 302 – 306 (Special Needs Activity Plan)~~
- ~~C. — 308 (Records)~~

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D. ~~309~~ (Consultation)

E. ~~312 – 313~~ (Orientation and Training)

F. ~~320 – 321~~ (Activities)