

**MEMORANDUM OF UNDERSTANDING**

**Between**

**DEPARTMENT OF SERVICES FOR CHILDREN,  
YOUTH AND THEIR FAMILIES**

**And**

**DEPARTMENT OF EDUCATION**

**Effective July 1, 2020**

## **I. PURPOSE**

This Memorandum of Understanding (MOU) is established in order to govern certain elements of the transition of the Office of Child Care Licensing (OCCL) from the Department of Services for Children, Youth & Their Families (DSCYF) to the Department of Education (DOE). This transition was mandated by SB 187 which was passed by the 150<sup>th</sup> General Assembly.

## **II. DEFINITIONS**

Department of Services for Children, Youth & Their Families (DSCYF): The department with primary responsibility to provide and manage a range of services for children who have experienced abandonment, abuse, adjudication, mental illness, neglect, or substance use. Its services include, but are not limited to: prevention, early intervention, assessment, treatment, permanency, and after care.

Division of Family Services (DFS): A service division within DSCYF which offers treatment services, foster care, adoption, and independent living. It also investigates child abuse, neglect and dependency.

Division of Management Support Services (DMSS): The division within DSCYF responsible for fiscal affairs, record keeping, personnel, accounting and purchasing, and other general services.

Institutional Abuse Investigation Unit (IA Unit): The unit within DSCYF responsible for investigating allegations of child abuse and neglect occurring in institutional settings, including child care facilities.

Department of Education (DOE): The agency that oversees public education in Delaware. Its mission is to empower every learner with the highest quality of education through shared leadership, innovative practices, and exemplary services.

Office of Child Care Licensing (OCCL): The office that licenses and regulates child care, including: early care and education centers, family and large family child care homes, child placing agencies, and residential child care providers. Pursuant to 14 Del.C. §3003A(b), OCCL is responsible for promoting the general welfare of children and working out a general program for their care and protection.

FOCUS: Case management software utilized by DSCYF employees, including OCCL employees, to carry out their job duties.

Department of Technology & Information (DTI): The Department is the state's central IT organization, chartered to deliver core services to other state

organizations and exercise governance over the technology direction and investments of the state.

### III. UNDERSTANDING

The parties agree that OCCL and its functions shall be transferred from DSCYF to DOE effective July 1, 2020. The parties also agree to the following terms:

#### A. FOCUS

- a. General access: OCCL will maintain the same level of access to FOCUS records and capabilities as prior to July 1, 2020. Per 14 Del.C. §3003A(b) and 14 Del.C. §3004A(b), OCCL is required to thoroughly investigate potential licensees, promote the general welfare of children, and to work out a general program for their care and protection. Pursuant to 16 Del.C. §909(c), DFS may release information to OCCL due to their “legitimate public safety need for such information” and their potential “need based on the health and safety of a child subject to abuse, neglect or the risk of maltreatment.” OCCL shall only access information needed to carry out their investigations and enforcement actions. DOE may designate an employee with supervisory authority over OCCL to have read-only access to FOCUS in order to properly fulfill their supervisory functions. OCCL employees, and any other DOE employee granted access to FOCUS for supervision or technical support purposes, will abide by DSCYF’s Confidentiality of Client Records Policy in order to maintain FOCUS access. Any and all DOE employees who will have access to FOCUS must have an up-to-date User Access Form approved by the DFS Director and kept on file by DSCYF’s Management Information Systems Unit.
- b. Reporting support: OCCL may request reports through DSCYF’s report request form and established report requesting system. (Can insert link to pdf of form if one exists).
- c. General FOCUS support will initially be provided by the DFS FOCUS Liaison in consultation with the DFS Product Owner, who may request additional support from DSCYF’s contracted entity per their discretion. DSCYF has requested additional permission sets for a designated OCCL employee to provide lower level technical support within FOCUS. This capability will be in place after the appropriate updates to the system have been completed.
- d. Updates: All FOCUS system improvements in progress as of July 1, 2020, will be completed and funded by DSCYF. All system improvements requested by OCCL and approved by the DFS Product

Owner after July 1, 2020, will be funded by DOE and completed by DSCYF or its contracted entity. DOE will also be responsible for any licenses for additional FOCUS users over and above the existing 23 OCCL staff transferred on July 1, 2020. DSCYF will bill DOE for these expenses through a process established by both agencies in collaboration with the Office of Management and Budget.

OCCL employees at DOE will continue to be responsible for writing user stories, collaborating with DSCYF's contracted entity, and testing system updates.

- e. Website maintenance and data: DSCYF will provide ongoing website support for OCCL until July 1, 2021, or until an identified point of contact for website maintenance is established at DOE. DSCYF will work with DTI's identified Project Management Team to transition the OCCL webpage and its functions to DOE's website.

#### B. General IT support

Phones, internet connectivity, and related support will be provided by DSCYF until the transition of phone and internet systems to the DOE system is completed. After that point, DOE will be responsible for general IT support functions.

#### C. Institutional Abuse Investigations

OCCL and the IA Unit may continue to share information necessary for each to carry out their respective investigations and enforcement actions. DELACARE Regulations require OCCL to refer complaints relating specifically to laws, rules, or regulations of other governmental entities to the appropriate entity charged with enforcement authority for investigation. The regulations require OCCL to request a report of the findings at the conclusion of the investigation and allows OCCL to use such findings as the basis for an OCCL enforcement action. (*See*. DELACARE Regulations for Family and Large Family Child Care Homes, section 11.5; DELACARE Regulations for Early Care and Education and School-Age Centers, section 12.5; and DELACARE Regulations for Child Placing Agencies, section 11.5) Similarly, 16 *Del.C.* §906(e)(6) requires "all cases involving allegations of child abuse or neglect by a person known to be licensed or certified by a Delaware agency" to be reported to the appropriate Delaware agency.

#### D. Regulatory Updates

DOE agrees to direct OCCL to submit draft regulatory revisions for Child Placing Agencies to DFS for review and comment prior to public posting. OCCL will submit draft regulatory revisions for Residential Child Care Facilities to the Division of Prevention and Behavioral Health Services (PBH) for review and

comment prior to public posting. OCCL will continue to work collaboratively with DFS and PBH on any regulatory changes or updates deemed necessary by DSCYF.

#### E. Facilities

OCCL staff will remain at their current work locations within DSCYF-leased space until such time that DOE determines an alternative arrangement or DSCYF terminates the existing location lease.

#### F. Operational Costs

Operational costs, including but not limited to FLEET, copier/printing leases, supplies, and cell phones, will be structurally transferred to DOE in the FY22 budget process. Until that point, DSCYF will continue to cover these costs. DSCYF will provide DOE with a detailed listing of expenditures built into the request for structural transfer.

#### G. Contracts and existing MOU's

The existing MOU with the State Fire Marshal's Office needs to be transferred to DOE. Funding for this MOU as well as all other contracts with budgetary impacts will be transferred to DOE effective July 1, 2021. Until that time, DSCYF will continue to fund any MOUs and other contracts.

#### H. PCard Process

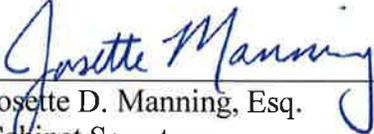
Responsibility for authorizing the issue of State PCards and oversight of PCard use shall be transferred from DSCYF Fiscal Services to DOE beginning with FY22.

**IV. TERMINATION**

This agreement shall remain in effect until specifically abrogated in writing by one of the parties involved, with 60 days prior notice. This agreement may be amended by the parties as necessary, by written agreement signed by both parties. This agreement shall be fully reviewed, along with any amendments made, one year from the signing date of this agreement. Lead reviewers will be: Associate Secretary for Early Learning Support at DOE, Director of DFS, and any additional identified points of contact contained herein.

**V. POINTS OF CONTACT**

TITLE	NAME	CONTACT INFO
DSCYF – Chief Policy Advisor, Office of the Secretary	Meredith Seitz	
DOE – Chief of Staff, Office of the Secretary	Emily Cunningham	
DSCYF – DFS FOCUS Product Owner	Kim Warren	
DOE - IT	Patches Hill	

  
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Date: 6/30/20  
Josette D. Manning, Esq.  
Cabinet Secretary  
Department of Services for Children, Youth & Their Families

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Date: \_\_\_\_\_  
Susan Bunting, Ed. D.  
Cabinet Secretary  
Department of Education

#### IV. TERMINATION

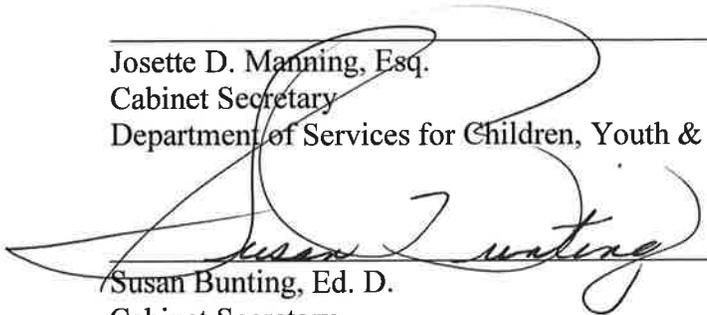
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