

*Final – January 2007*

**DELACARE**

**RULES FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS**

OFFICE OF CHILD CARE LICENSING

DIVISION OF FAMILY SERVICES

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

STATE OF DELAWARE

*Final – January 2007*

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**NOTICE OF RESCISSION AND PROMULGATION**

The Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families adopts and promulgates the following rules for early care and education and school-age centers as authorized in the Delaware Code, Title 31, Chapter 3, Subchapter III, Subsections 341-345, also known as “The Delaware Child Care Act”. The terms “Early Care and Education and School-Age” Centers are now used in the field instead of “day care” centers. The Code refers to these types of licensed facilities as day care centers. All previous rules, regulations and standards pertaining to such facilities are null and void except to the extent all rules, regulations, standards, enforcement actions, decisions, investigations and the like previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding promulgations of these regulations or rules. These rules shall take effect on January 1, 2007.

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Cari DeSantis, Secretary  
Department of Services for Children,  
Youth and Their Families

\_\_\_\_\_  
Date

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Carlyse Giddins, Director  
Division of Family Services

\_\_\_\_\_  
Date

## FOREWORD

Early Care and Education and School-Age Care, generally known as “day care” or “child care”, are the terms now used 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 care outside of their own homes. The primary characteristic of these types of care arrangements is the delegation by the parent(s)/guardian(s) of the responsibility for the care, education, protection, supervision or guidance of the child to the 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. Delaware currently requires early care and education and school-age centers to be licensed as authorized in the Delaware Code, Title 31, Chapter 3, Subchapter III, Subsections 341- 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, by regulation or otherwise, any reasonable standards” and “license such of these (facilities)” to the 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 early care and education and school-age centers. Licensing of these facilities is a preventive function which has as its purpose setting rules which must be met in order for a facility to be able to operate.

In developing the current revision of Early Care and Education and School-Age Center Rules, the Office of Child Care Licensing sought the advice and assistance of knowledgeable persons representative of the field of early care and education and school-age care and those whose interests are affected by the rules. These new rules, now under the title of "**Delaware: Rules for Early Care and Education and School-Age Centers**", were primarily drawn from other Delaware facility rules concerning the care of children, the licensing rules of other states, current research in child development, early care and education and health and safety issues related to children in care, statistical and demographic reports, and national professional accreditation standards.

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

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

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## INTRODUCTION

### LEGAL BASE

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

### PURPOSE

2. The overall purpose of these rules is the protection and promotion of the health, safety, well-being, and positive development of children who receive services in early care and education and school-age centers. These 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. Early Care and Education and School-Age Centers provide care, education, protection, supervision or guidance for thirteen (13) or more children, including children who are related to the operator. Service is provided on a regular basis for periods of less than twenty-four (24) hours per day, unattended by parent or guardian, and for compensation. This definition shall include but is not limited to full and part time - day care, child care, early care, early care and education, early childhood education, preschool, nursery school, extended care, extended day care, extended child care, independently operated kindergartens, before and/or after school care, school-age center, school-age care, out of school care, school's out care, school vacation/holiday care and summer child care.
4. Early care and education and school-age Centers located at public or private schools that are operated by an agency or individual other than the public or private school entity shall be required to be licensed under these rules.
5. 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, or

- F. Any public or private school that provides regular and thorough instruction through at least the sixth (6<sup>th</sup>) 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, Subchapter I, Subsection 2704. This exclusion shall include all programs operated by such schools and shall also include preschool education programs for handicapped persons as defined by Delaware Code, Title 14, Chapter 31, Subchapter I, Subsection 3101 (4).
- 6. The rules are divided into three (3) parts:
    - Part I - General Provisions;
    - Part II - Night Care; and
    - Part III - School-Age Center
  - 7. To be licensed as an Early Care and Education and School-Age Center, the General Provisions of Part I shall be met. In addition, Centers shall also meet the following rules before providing Night Care or operating a School-Age Center:
    - A. To provide Night Care, an Early Care and Education Center shall also meet Part II rules;
    - B. To operate a School-Age Center, a Center shall also meet Part III rules.

#### **DEFINITION OF TERMS**

- 8. "Administrative appeal hearing" means the process that entitles an applicant or licensee the opportunity to appeal the Division's decision to deny or revoke a license.
- 9. "Adult" means a person who has reached his or her eighteenth (18<sup>th</sup>) birthday.
- 10. "Applicant" means an individual, agency, corporation or partnership applying for a license that is obtained from the Office of Child Care Licensing.
- 11. "Center" means the licensed early care and education and/or school-age center.
- 12. "Certified Child Care Health Consultant" means an independent contractor who has completed the National Training Institute for Child Care Health Consultant Training and is trained to assist early care and education and school-age centers with health and safety issues.
- 13. "Child" means a person who has not reached the age of eighteen (18) years.
- 14. "Child Abuse" means any physical injury to a child by those responsible for the care, custody and control of the child, through unjustified force as defined in Delaware Code, Title 11, Chapter 4, Subsection 468, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment as defined in Delaware Code, Title 16, Chapter 9, Subchapter I, Subsection 902.
- 15. "Child Neglect" means the failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary: education as required by law; nutrition; or medical, surgical or any other care necessary for the child's well being as defined in Delaware Code, Title 16, Chapter 9, Subchapter I, Subsection 902.
- 16. "Child Sex Abuse" means any sexual offense or child exploitation as defined in Delaware Code, Title 11,

Chapter 85, Subchapter IV, Subsection 8550.

17. "Child with Disabilities" means a child who has been diagnosed by a qualified professional as having a physical, intellectual, emotional, developmental or chronic medical condition(s) or impairment(s) which would require modification(s) in the regular program of activities for that child at a Center or as defined by applicable Federal and State Laws.
18. "Clock Hour(s)" means the actual number of hours or time a participant spends attending the instructional portion of a training designed to develop or enhance early care and education or school-age care competencies.
19. "Comprehensive Professional Development System" means an organized entity within an appropriate Department within the State of Delaware that promotes and coordinates systems and activities to advance the development of the early care and education and school-age care workforce. "*Delaware First*" has been the name under which a comprehensive professional development system was established for early care and education and school-age care professionals in Delaware.
20. "Complaint" means an accusation that a Center is not in compliance with the licensing rule(s) or the licensing law(s). Complaints may be written or oral and may be anonymous.
21. "Corrective Action Plan" means the citing of the relevant rule(s) of non-compliance, a statement of the nature of the non-compliance, the action required to return to compliance and the date by which that compliance shall be attained.
22. "*Delaware First*" means the professional development system for early care and education and school-age care professionals in Delaware.
23. "Department" means the Department of Services for Children, Youth and Their Families.
24. "Denial" means the process of refusing to grant a license after receipt of an original or renewal application. This constitutes refusal of official permission to operate.
25. "Direct Child Care" means the providing of care, education, protection, supervision or guidance of children.
26. "Direct Observation" (of children or staff members) means that staff are physically present in the same room or area with children or other staff members, are visually monitoring the interactions of children and/or staff, and are alert to any problems that may occur.
27. "Direct Voice Contact" means a licensee is required to speak directly with a Licensing Specialist from the Office of Child Care Licensing through a phone call or face-to-face contact. When direct voice contact is required, leaving a voice mail message is not acceptable.
28. "Division" means the Division of Family Services within the Department.
29. "Early Care and Education" means the care, education, protection, supervision or guidance of children beginning at birth.

30. "Early Childhood Administrator" means a staff member with direct responsibility for the Center's total program of services provided to children and their families, and including, when applicable, the administrative aspects. The Early Childhood Administrator approves curriculum, and when also serving as the Early Childhood Curriculum Coordinator, develops and evaluates curriculum, and implements and/or monitors implementation of curriculum and daily activities for children at the Center. The Early Childhood Administrator supervises the Early Childhood Curriculum Coordinator, and when necessary, Early Childhood Teachers and meets the qualifications specified in Rules #153 and when applicable, 154, 155, 156, 158 and 159.
31. "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 meets the qualifications specified in Rules #161 and when applicable, 162.
32. "Early Childhood Caregiver" means a staff member who was formerly a Caregiver at a particular Center licensed before the effective date of these rules or transfers only to a Center licensed before the effective date of these rules that is directly affiliated with the original Center and has qualified for this position at that same Center, and who works under the supervision of at least an Early Childhood Teacher and performs direct child care functions and related duties and assists in the implementation of curriculum. The Early Childhood Caregiver meets the qualifications specified in Rule #163.
33. "Early Childhood Curriculum Coordinator" means a staff member who works under the supervision of the Early Childhood Administrator and is immediately responsible for the direct care, supervision, guidance and education of children at 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 Caregivers, Early Childhood Interns, Volunteers and Substitutes and meets the qualifications specified in Rules #157 and when applicable, 158 and 159.
34. "Early Childhood Intern" means a staff member who works under the supervision of an Early Childhood Teacher and the direct observation of at least an Early Childhood Assistant Teacher or Early Childhood Caregiver and performs direct child care functions and related duties and meets the qualifications specified in Rule #164 and when applicable, 165.
35. "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 Caregivers, Early Childhood Interns, Volunteers and Substitutes and meet the qualifications specified in Rule #160.
36. "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.
37. "Field Trip" means an excursion trip or program activity off the Center property.
38. "Governing Body" means the person or group of persons with ultimate responsibility for and authority over the operation of a Center, as for example, an owner(s) or Board of Directors.

39. "Group Size" means the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.
40. "Health Care Provider" means a professional who practices medicine with or without supervision and is sanctioned by an established licensing body. The most common types of health care providers include physicians, advance practice nurses (nurse practitioners), and physician assistants.
41. "Individualized Educational Program" (IEP) means a 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.
42. "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.
43. "Infant" means a child who is less than one (1) year old.
44. "Informal Hearing" means a meeting between the Division and the licensee when a temporary suspension order has been issued.
45. "Institutional Abuse" means when a person responsible for a child's care in an out-of-home setting jeopardizes the well being of a child that results or may result in physical or emotional injury.
46. "License" means the Office of Child Care Licensing's granting of authority through a written certification to a licensee at the Center's location to operate under applicable State Law(s).
47. "Licensee" means the entity legally responsible for a licensed Center.
48. "Licensing Specialist" means the individual in the employment of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing and is responsible for performing regulatory and enforcement activities in the licensure of early care and education and school-age centers.
49. "Meal" means breakfast, lunch or dinner.
50. "Night Care" means care for any child between the hours of 8:00 P.M. and 6:00 A.M. when the period includes any portion of the child's normal sleeping hours.
51. "Office of Child Care Licensing" means the organization within the Department authorized under Delaware Code, Title 31, Chapter 3, Subchapter III, to promulgate and enforce rules, regulations and standards for the conduct of child care, including the licensing thereof, and the development and implementation of policies and procedures.
52. "Owner" means the person(s), firm, partnership, association, organization, corporation or governmental entity with legal and/or fiscal responsibility for and authority over the operation of the Center.
53. "Parent(s)/guardian(s)" means a birth or adoptive parent, legal guardian or any other person having responsibility for, or legal custody of, a child.
54. "Preschool-Age Child" means a child three (3) through five (5) years of age who is not yet attending a public

- or private kindergarten program. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program that child shall be considered in the preschool-age group until attending kindergarten or first grade which ever comes first.
55. "Professional Development" means the continuous pursuit of essential knowledge and skills to develop or enhance generally accepted competencies in the early care and education and school-age care field.
56. "Regularly or on a regular basis" means early care and education and school-age care services which are available and provided at a Center on more than one (1) day in any one (1) week.
57. "Revocation" means the process of rescinding a license during the effective dates of a license. This constitutes revocation of official permission to operate.
58. "Secretary" means the Secretary of the Department of Services for Children, Youth and Their Families.
59. "Section 504 Plan" means a document describing accommodations provided to a child to ensure full participation at the Center.
60. "School-Age Administrator" means a staff member of a School-Age Center with direct or supervisory responsibility for the School-Age Center's total program of services provided to children and their families, and including, when applicable, the administrative aspects. The School-Age Administrator approves curriculum and also, when not assigning such duties to a School-Age Site Coordinator, develops and evaluates curriculum, and implements and/or monitors implementation of curriculum and daily activities for children at the School-Age Center. The School-Age Administrator supervises School-Age Site Coordinators and when necessary, School-Age Site Assistants and School-Age Interns, and meets the qualification specified in Rules #439.
61. "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; during school holidays; and/or summer months.
62. "School-Age Center" means a Center that exclusively provides care for school-age children.
63. "School-Age Child" means a child five (5) years of age or older or who is attending kindergarten or higher grade. A child shall be considered school-age for staff /child ratio purposes beginning the first day attending kindergarten or first grade which ever comes first.
64. "School-Age Intern" means a staff member of a School-Age Center who works under the supervision of at least a School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center, and under the 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 Rules #443 and, when applicable, 444.
65. "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 who is designated as responsible for the School-Age Center may supervise School-Age Interns, Volunteers and Substitutes and meets the qualifications specified in Rule #442.



66. "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 School-Age Center, direct care, supervision, guidance and education of the children. The School-Age Site Coordinator implements curriculum and daily activities for children at the School-Age Center. Also, when assigned such duties, the School-Age Site Coordinator develops and evaluates curriculum, and monitors implementation of curriculum. The School-Age Site Coordinator may supervise School-Age Site Assistants, School-Age Interns, Volunteers and Substitutes and meets the qualifications specified in Rules #440 and, when applicable, 441.
67. "Snack" means supplemental food served between meals.
68. "Staff or Staff Member" means any full or part time employee of a Center including substitutes or volunteers.
69. "Substitute" means a paid staff member who is temporarily filling in for a position during the absence of a permanent staff member and works under the supervision of at least an Early Childhood Teacher, School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center, and when necessary, under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant.
70. "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.
71. "Supervision" (of staff) means performing monitoring and evaluation functions of assigned staff which includes the observation of interactions of assigned staff with children and families, staff's adherence to the *Delacare: Rules for Early Care and Education and School-Age Centers*, and the Center's policies and procedures. When performing monitoring functions, supervisory staff shall be physically present in the same room or area as assigned staff and directly observe staff to monitor on-going interaction with children.
72. "Suspension Order" means a notice issued by the Office of Child Care Licensing that the license to operate a Center has been suspended.
73. "Toddler" means a child who is one (1) to three (3) years of age.
74. "Training" means successful participation in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing as designed to develop or enhance the early care and education or school-age care competencies.
75. "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.
76. "Volunteer" means any person who provides an unpaid service or support to a Center. Volunteers shall be under the supervision of at least an Early Childhood Teacher, School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center and, when necessary, under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant.

77. “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.

## **LICENSING PROCESS AND PROCEDURES**

### **License Required To Operate**

78. 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**

79. 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.
80. 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**

81. 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.
82. A license shall be issued only to the Center for which application is made and for the address of the Center's actual site.

### **Posting of License**

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

### **License for Each Center Site Location**

84. A separate application shall be made for each Center site location.
85. 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.
86. An agency or individual who operates an early care and education and/or school-age Center at a public or private school but is not employed by the school shall be required to apply for a license for each Center site location.
87. A license shall not be transferable, assignable or subject to sale.

### **Nullification of License**

88. 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.

### **Complaint Procedure**

89. An investigation by the Office of Child Care Licensing shall be made if a complaint is received regarding these rules, *Delacare: Rules for Early Care and Education and School-Age Centers*. The Office of Child Care Licensing shall notify the licensee that a complaint is being investigated. The results of the Office of Child Care Licensing's investigation shall be reported in writing to the Center investigated. If the complaint is substantiated or if any other violations are found as a result of the investigation, the licensee shall be required to abate the violations and come into full or substantial compliance with State Law and the rules and regulations promulgated by the Office of Child Care Licensing.
- A. Complaints relating specifically to laws, rules, or regulations of other governmental entities shall be referred to the appropriate entity for investigation. At the time of the referral the Office of Child Care Licensing shall request a report on the investigation findings.
90. An investigation by the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Children's Services, Institutional Abuse Investigation Unit shall be made if a complaint is received regarding the abuse or neglect of a child at the Center by a staff member.

### **TYPES OF LICENSES**

#### **Annual License**

91. An annual license is issued when the Office of Child Care Licensing determines that a licensee is in full or substantial compliance with applicable provisions of these rules.
92. An annual license is effective for one (1) year from the date of issuance, unless it is:
- A. Modified to a provisional license;
- B. Revoked;
- C. Surrendered prior to the expiration date; or
- D. Suspended.

#### **Provisional License**

93. A provisional license may be issued when the Office of Child Care Licensing determines that:
- A. There is no serious risk to the health, safety and well-being of the children; and
- B. A licensee has submitted to the Office of Child Care Licensing and the Office of Child Care Licensing has approved a written corrective action plan.
94. A provisional license may be replaced with an annual license when 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 or substantial compliance with applicable provisions of these rules.
95. A request to replace a provisional license and to issue an annual license shall be made in writing by the licensee. If the request is approved, an annual license shall be issued.

## **PROCEDURES FOR INITIAL LICENSURE**

96. An applicant shall apply for a license on a form provided and in a manner prescribed by the Office of Child Care Licensing.
97. Upon receipt of a completed application, an Office of Child Care Licensing representative shall:
  - A. Review the application, confer with the applicant, and inspect the premises to determine whether the applicant has fully or substantially complied with applicable provisions of these rules;
  - B. Make a recommendation to the Office of Child Care Licensing regarding 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 when the licensee fully or substantially meets the applicable provisions of these rules; 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.
98. 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 of the annual license.

## **PROCEDURES FOR LICENSE RENEWAL**

99. A licensee shall submit a written request to the 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 license.
100. A licensee shall submit a completed application for a license renewal to the Office of Child Care Licensing at least sixty (60) calendar days before expiration of Center's current license.
101. When a licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the Office of Child Care Licensing makes a decision on the renewal application.
102. 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 or substantial compliance with applicable provisions of these rules.

## **TERMS OF A LICENSE**

103. The license shall contain and display 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.
104. A licensee shall operate a Center within the terms of its license.

## **CHANGES AFFECTING LICENSE**

105. The Office of Child Care Licensing shall determine whether to modify a current license or to require the licensee to submit an application for a new license when any of the following changes occur:
  - A. A planned reduction, addition or substantial change in the indoor or outdoor spaces of the Center.

- B. A change in the name of the Center;
- C. A change in the applicable type of regulated service authorized as defined in these rules; or
- D. A change in Center capacity.

### **ORDER TO SUSPEND A LICENSE**

106. 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.

### **DENIAL AND REVOCATION**

107. The Division may deny or revoke a license for good cause, including but not limited to the following:
- A. Failure to comply with applicable provisions of State Law(s) or of these rules;
  - B. Violation of the terms or conditions of its license;
  - C. Fraud or misrepresentation in obtaining a license or in the subsequent operation of the facility;
  - D. Refusal to furnish the Department with files, reports or records as required by the law;
  - E. Refusal to permit an authorized representative of the Department to gain admission to the Center during operating hours;
  - F. Engaging in any activity, policy, practice or staff member conduct that adversely affects or is deemed by the Division to be detrimental to the education, health, safety or well-being of children; or
  - G. Conduct that otherwise demonstrates unfitness by the owner, administrator or any staff member to operate a Center.

### **APPEAL**

108. If the Division denies or revokes a license to operate, the Division shall notify the licensee in writing at least ten (10) working days prior to taking such action, and specify the licensee's entitlement to appeal 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 or revocation before taking such action.
109. If a written or verbal request for a hearing is received by the Division within the ten (10) working days of the date the notice of denial or revocation was mailed, the Division shall ensure that an administrative appeal hearing is held within thirty (30) working days from the date the request for an administrative appeal hearing is received, unless for good cause, the Hearing Officer grants postponement.
110. The administrative appeal hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the administrative appeal hearing.
111. If a licensee requests an administrative appeal hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered subsequent to the administrative appeal hearing; except that the Office of Child Care Licensing shall have the authority to suspend the license immediately whenever the health, safety or well-being of children in care is in serious or imminent danger.
112. If a licensee does not make a timely request for an administrative appeal hearing to appeal the decision in accordance with Rule #109 or does not request an administrative appeal hearing, the action to deny or revoke 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 or revocation shall be effective immediately upon the issuance of a written notice by the Division.

## **RULE VARIANCE**

113. Upon the written request of an applicant or licensee, the Division may grant a variance from any of these rules if the applicant or licensee has documented to the satisfaction of the Division that the intent of the specific rule shall be satisfactorily achieved in a manner other than that prescribed by the rule.
114. 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.
115. 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.
116. 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.

## **ADMINISTRATION AND ORGANIZATION**

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

117. A licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) consecutive calendar days before 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.
118. 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.
119. A licensee shall notify the Office of Child Care Licensing within one (1) working day by direct voice contact during the Office of Child Care Licensing's working hours if any of the following occur:
  - A. Any fire; flood; or any other serious damage due to any natural or man-made disaster(s) that impact the ability to operate safely;
  - B. Injury of a child while in the care of a Center requiring inpatient or outpatient treatment. The direct voice contact shall be followed by a written report on a form provided by the Office of Child Care Licensing;
  - C. Suspected abuse or neglect of a child while at the Center including immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the abuse or neglect; or
  - D. Any known conviction(s) of a staff member including those which prohibit continued employment at the Center, see Rules #138-140.

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

### **GOVERNING BODY**

121. A licensee shall have an identifiable owner and/or functioning governing body with responsibility for and authority over the operation of the Center. The owner or governing body shall designate a person to function as the Early Childhood or School-Age Administrator of the Center.
- 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; officers of the governing body; and terms of office of all officers.
  - C. A licensee shall have a procedure for informing all parents/guardians of children attending the Center of the identities of governing body members.
122. The owner or governing body of a Center shall ensure that the licensee complies with all applicable local, State and Federal Laws and regulations.
123. A licensee shall have an organized system of business 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**

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

### **RECORDS**

125. A licensee shall maintain files and records applicable to licensing.
126. A licensee shall keep daily attendance records for children identifying the hours of children's attendance each day.
- A. A licensee shall establish a system for taking attendance when the children arrive and depart the Center and periodically throughout each day to ensure the whereabouts of children in attendance at any given time.
127. A licensee shall keep a written record of the daily schedule of all staff members, including their position titles, and their exact hours worked throughout the hours of operation at the Center.

128. A 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 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 needs of the child including allergies, existing illnesses or injuries, previous serious illnesses or injuries and any prescribed medication including those for emergency situations;
  - 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 IEP, IFSP and Section 504 plan, and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals to special services;
  - I. Written authorization from the parent(s)/guardian(s) for emergency medical care;
  - J. Transportation permission, if appropriate;
  - K. Health information as required by Rule #316;
  - L. Injury and illness records including copies of reports submitted to the Office of Child Care Licensing as required by Rules #119B & 120 and copies of reports required by Rule #337;
  - M. Administration of medication records of a child;
  - N. If provided by the parent(s)/guardian(s), court orders on custody and visitation arrangements; and
  - O. The original copy of *The Parents Right to Know Act* form signed by the parent(s)/guardian(s).
129. A licensee shall have a procedure to ensure that all information supplied by parents/guardians is continuously updated and available to staff member(s) responsible for a particular child on a need-to-know basis.

### **Personnel Files**

130. A licensee shall have a personnel file for each staff member. The personnel file shall include:
- A. Name, date of birth, home address and telephone number;
  - B. Date of employment or volunteer start date;
  - C. Initial application form;
  - D. Reference letters;
  - E. Release of employment history form, Service Letters obtained and/or pertinent documentation;
  - F. Documents attesting to professional development plans and qualifications;
  - G. Written records of required medical examinations and tuberculosis testing;
  - H. A statement signed by the staff member stating the staff member's status relative to conviction, current indictment or involvement in any criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior; or any case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in any other state or country;



- I. Verification of fingerprinting form;
- J. Release form and verification of adult abuse registry check;
- K. If transporting children, a copy of a current driver's license;
- L. Copy of job description;
- M. Orientation form that includes written documentation that the information as required per Rule #176 was initially and periodically reviewed;
- N. Record of attendance at training regarding annual training hours and/or meeting qualifications; and
- O. Date of termination.

## HUMAN RESOURCES

### PERSONNEL POLICIES

#### General

131. A licensee shall have written personnel policies and practices and make them available to all staff and prospective staff.
- A. These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension and lay-off of staff in accordance with applicable laws.
  - B. A statement signed by the staff member on the orientation form shall confirm that the particular staff member has reviewed the relevant personnel policies and practices and has had the opportunity to ask questions and receive clarification.
132. A licensee shall have written job descriptions for every job position at the Center.

#### General Qualifications

133. A licensee shall have on file for each staff member at least two (2) letters of reference from two (2) adults who are familiar with the staff member but who are not related to the staff member. These references shall verify that the staff member is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.
134. A licensee shall ensure that each staff member has an understanding of and respect for children and their needs and for a child's family and culture. For those staff members assigned direct child care duties, this includes, but is not limited to meeting children's physical needs such as feeding and diapering, supervising children's activities, supporting children's physical, intellectual, social and emotional growth, dealing with emergencies in a calm manner, and carrying out methods of positive behavior management as stipulated in these rules and within the responsibilities of their particular position.
135. A licensee shall require a staff member to sign a release of employment history form and obtain Service Letters from the staff member's current or most recent previous employer. In addition, if the staff member was employed in a health care facility and/or child care facility within the past five (5) years, the licensee shall also obtain a service letter from such employer(s).
- A. Volunteers who will be alone with children shall be required to provide service letters regardless of time spent at the Center providing unpaid services; or
  - B. Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to provide service letters.

136. A licensee shall require staff members to be fingerprinted for child care by the Delaware State Police as soon as they are hired or schedule an appointment to be fingerprinted no later than the fifth working day. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted.
- A. Volunteers who will be alone with children shall be required to have background checks regardless of time spent at the Center providing unpaid services; or
  - B. Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to have background checks.
137. A licensee shall request the results of an adult abuse registry check through the Department of Health and Social Services for applicable staff members as soon as they are hired or no later than the fifth working day.
138. A licensee shall not employ or retain any person as a staff member with:
- A. 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 licensee may, at its own discretion, make exceptions to the above rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined in Delaware Code, Title 16, Chapter 9, Subchapter II, Subsection 923.
139. The licensee shall not employ or retain in any capacity any person whose child or children are removed from his/her custody because of abuse or neglect.
140. 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, Subchapter IV, Subsection 8550.
141. A licensee shall inform staff members that alcohol or other drug use that adversely affects essential job functions is unacceptable and of the prohibition of unlawful use, possession, manufacture, distribution of controlled substances or alcoholic beverages in the workplace.

## **HEALTH REQUIREMENTS**

142. A licensee shall have for every staff member:
- A. Written report from a health care provider of a health appraisal attesting to the health of the staff member, including the ability to perform essential job functions as described in Rule #134, completed within 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 at the

- C. Center, with further testing required every fifth year of employment; and
- C. Written evidence of follow-up of any known health problem of the staff member affecting or potentially affecting his/her ability to care for children.

### **CHILD ABUSE AND NEGLECT**

- 143. A licensee shall provide each staff member of the Center written information governing the reporting provision of the Delaware child abuse and neglect law(s) and regulations, Center policies and procedures for reporting and documenting suspected abuse and neglect, and maintain on file written documentation of their receipt of this information.
- 144. 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.
- 145. A licensee shall develop, adopt, follow and maintain on file written policies and procedures for handling any incident of suspected child abuse or neglect which occurs while a child is in the Center's care. The policies and procedures shall contain provisions specifying that:
  - A. The licensee shall immediately report the suspected abuse or neglect as required by Law;
  - B. The licensee immediately shall take remedial action to protect children from harm;
  - C. The licensee shall take long-term corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the Center by a staff member;
  - D. Any staff member alleged to have perpetrated an incident of child abuse or neglect shall not have direct contact with any child, or be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed; and
  - E. The licensee shall take disciplinary action, up to and including termination as required by Rules #138-140 and by Law, against any staff member who committed an act of child abuse or neglect.

### **OWNER OF A CENTER**

- 146. 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 and is required to follow all rules concerning a staff member of the Center.
- 147. The Owner of a Center shall only count toward staff/child ratios if fully qualified as at least an Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant if left alone with children or as at least an Early Childhood Intern or School-Age Intern if not left alone with children.
- 148. Inactive Owners of a Center or those working less than seven (7) hours per week shall not be considered staff nor assume any direct child care duties and assign day-to-day operational responsibilities to an Early Childhood or School-Age Administrator.

## STAFF QUALIFICATIONS

149. For a Center licensed before the effective date of these rules, the licensee shall ensure that a staff member who is already in a particular position or a new hire at that Center:
- A. Has four (4) calendar years from the effective date or no later than January 1, 2011 to meet the qualifications of an Early Childhood Administrator, Early Childhood Curriculum Coordinator or Early Childhood Teacher.
  - B. Has two (2) calendar years from the effective date or no later than January 1, 2009 to meet the qualifications of an Early Childhood Assistant Teacher, Early Childhood Caregiver, or Early Childhood Intern.
  - C. Is eligible for the time-limited periods to qualify for a particular position provided that person remains at that Center or transfers only to a Center licensed before the effective date of these rules and is directly affiliated with the original Center. A Center directly affiliated with the original Center shall mean that the staff member is still employed by the same parent organization/company and at least retains all years of service when transferred.
  - D. Has a written profession development plan kept in that staff member's personnel file that documents the particular position desired, the goals to achieve that position, the progress made toward the position at least on a yearly basis, and the target date for goal completion when working toward qualifying for a particular position during the time-limited period.
150. A licensee shall ensure that each staff member at a Center submits written documentation to the Office of Child Care Licensing that shows how a staff member is fully qualified for a particular position. The documentation shall consist of copies of training certificates, transcripts, diploma(s), or staff training records. Upon approval from the Office of Child Care Licensing, the licensee shall ensure that the letter of approval for each qualified staff member is filed in that staff member's personnel file.
151. A licensee shall ensure that a staff member qualifying for a particular position in a Center may, when applicable, use college/university credits based on specific topic areas/titles, substitutions for college/university credits, or other training that is demonstrated to be equivalent to a particular qualification in these rules all as approved or accepted by the Office of Child Care Licensing.
152. A licensee shall ensure that a person appointed to a position at a Center that becomes newly licensed subsequent to the effective date shall meet the qualifications of these rules for that position.

### **Early Childhood Administrator**

153. A licensee shall ensure that the Early Childhood Administrator of the Center is at least twenty-one (21) years of age and meets one (1) of the following qualifications:
- A. At least an Associate Degree from an accredited college or university in or 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) college/university credits in course content covering at least three (3) of the following topic areas – child development, developmental curriculum planning, positive behavior management, health & safety, nutrition, family/community, and professionalism; and twenty-four (24) months of experience working with children preschool age or younger in a group setting;
  - B. At least a Bachelor degree from an accredited college or university including at least fifteen (15) college/university credits in course content covering at least three (3) of the following topic areas - child development, developmental curriculum planning, positive behavior management, health & safety, nutrition, family/community, and professionalism; and twenty-four (24) months of experience working with children preschool age or younger in a group setting or;
154. 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) college/university credits in child development or early childhood education, shall be able to apply those particular college/university credits to the credit requirement of Rule #153 provided that person remains at that original Center or transfers only to a Center licensed before the effective date of these rules and is directly affiliated with the original Center.
155. A licensee shall ensure that the Early Childhood Administrator who manages the Center's administrative duties such as human resources/personnel and fiscal has at least three (3) college/university credits or forty-five (45) clock hours of training in administration which may be included in the total number of college/university credits required for the position unless such duties are not the responsibility of the Early Childhood Administrator.
- A. A written plan approved by the Office of Child Care Licensing shall be required if such duties are not the responsibility of the Early Childhood Administrator. The written plan shall identify the person/entity performing these duties, and the qualifying factors regarding the person/entity. Any changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.

156. An Early Childhood Administrator, who before the effective date of these rules was known as the Program Director at a particular Center shall be able to serve as the Early Childhood Administrator provided that person remains at that original Center or transfers only to a Center licensed before the effective date of these rules, directly affiliated with the original Center, and meets all of the following qualifications:
- A. Has three (3) college/university credits, or forty-five (45) clock hours of training in administration related to operating a Center unless such duties are not the responsibility of the Early Childhood Administrator as state in Rule #155;
  - B. Meets at least one (1) of the qualifications of an Early Childhood Teacher as stated in Rule #160;
    - i. For Rule #160D, the nine (9) college/university credits may be in early childhood education or child development; and
  - C. Has an Early Childhood Curriculum Coordinator on staff that meets the qualifications of that position with at least an Associate degree as stated in Rule #157B.

#### **Early Childhood Curriculum Coordinator**

157. 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 a high school degree or its equivalent and successful completion of fifteen (15) college/university credits in child development or early childhood education of which six (6) college/university credits shall be in early childhood curriculum development and planning and thirty-six (36) months of experience working with children preschool age or younger in group setting;
  - B. At least an Associate degree from an accredited college or university in or in a field related to child development, psychology, social work, special education, nursing or human services, including at least fifteen (15) college/university credits 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;
  - C. At least an Associate degree from an accredited college or university in early childhood education and twelve (12) months of experience working with children preschool age or younger in a group setting; or
  - D. At least a Bachelor degree from an accredited college or university including at least fifteen (15) college/university credits of child development or early childhood education and twelve (12) months of experience working with children preschool age or younger in a group setting.

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

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

Coordinator has successfully completed fifteen (15) clock hours of training in school-age care if the Center serves school-age children. The clock hours may be translated from the college/university credits and included in the total number of college/university credits required for the position.

### **Early Childhood Teacher**

160. A licensee shall ensure that an Early Childhood Teacher is at least eighteen (18) years of age and meets one (1) of the following qualifications:
- A. At least a high school degree or its equivalent and successful completion of both “Training for Early Care and Education 1 & 2” 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 that is current and has not expired 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) college/university credits - three (3) in early childhood education, three (3) in child development and three (3) in positive behavior management and twelve (12) months of experience working with children preschool age or younger in a group setting;
    - i. Forty-five (45) clock hours in positive behavior management may substitute for the three (3) college/university credits.
  - 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;
  - F. 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 from an accredited college or university with six (6) college/university credits 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
  - I. At least a Bachelor degree from an accredited college or university including at least six (6) college/university credits of 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.

### **Early Childhood Assistant Teacher**

161. 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 “Training for Early Care and Education 1” 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 the traditional high school’s career pathway program in early childhood as recognized by the Office of Child Care Licensing and six (6) months of experience working with children preschool age or younger in a group setting; or
  - C. At least a high school degree or its equivalent and successful completion of six (6) college/university credits - three (3) in early childhood education and three (3) in child development and six (6) months of experience working with children preschool age or younger in a group setting.
162. A staff member who, before the effective date of these rules, was in the position formerly known as a Caregiver at a particular Center shall have one (1) of 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 #149B.
- A. Demonstrate through the development of a portfolio that prior training and experience is equivalent to the information taught in “Training for Early Care and Education 1”. Successful completion of this option shall be receiving a grade of seventy-five percent (75%) or better and is recognized as equivalent to completing “Training for Early Care and Education 1” and is applicable toward advancing to higher positions in any Center.
  - B. Pass a test recognized by the Office of Child Care Licensing as equivalent to the information taught in “Training for Early Care and Education 1”. Successful completion of this option shall be receiving a grade of seventy-five percent (75%) or better and is recognized as equivalent to completing “Training for Early Care and Education 1” and is applicable toward advancing to higher positions in any Center.

### **Early Childhood Caregiver**

163. A licensee shall ensure that an Early Childhood Caregiver is at least eighteen (18) years of age, and before the effective date of these rules, was in the position formerly known as a Caregiver at a particular Center. Successful completion of the training required for this position is time-limited to two (2) calendar years from the effective date of these rules as stated in Rule #149B. The position of Early Childhood Caregiver is acceptable provided that person remains at that original Center or transfers only to a Center licensed before the effective date of these rules and is directly affiliated with the original Center. The Early Childhood Caregiver shall meet the following qualification:
- A. Demonstrates successful completion of a total of sixty (60) clock hours of training based on the early care and education core topic areas and divided into each of the following: Child Development (fifteen (15) clock hours), Developmental Curriculum Planning (twelve (12) clock hours), Positive



Behavior Management (twelve (12) clock hours), Health (three (3) clock hours), Safety (three (3) clock hours), Nutrition (three (3) clock hours), Family/Community (six (6) clock hours), and Professionalism (six (6) clock hours). Such clock hours taken prior to the effective date of these rules or during the time-limited period shall count toward this position.

### Early Childhood Intern

164. 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* "Introduction to Child Care" or "Child Development" completed within twelve (12) months of employment;
  - B. At least successful completion of three (3) college/university credits in either child development or early childhood education.
    - i. Fifteen (15) year olds may be hired only if they are attending a vocational/technical high school three (3) year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment in such programs shall be on file at the Center.
165. A licensee shall ensure that an Early Childhood Intern under the age of eighteen (18) does not provide direct child care to children who are close in age. Such an Early Childhood Intern shall be at least four (4) years older than any child in his or her direct care.

### Staffing

166. A licensee shall ensure that the Center has at least one (1) staff member who meets the qualifications for the position of Early Childhood Administrator.
167. 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.
168. An Early Childhood Administrator shall also be able to serve as the Early Childhood Curriculum Coordinator if the following circumstances have been met:
- A. The Early Childhood Administrator meets the qualifications with at least an Associate degree as stated in Rule #153A; and
  - B. The Center has a capacity of sixty (60) or fewer children; or
  - C. The licensee shall ensure through a written plan approved by the Office of Child Care Licensing that the Center's administrative duties such as human resources/personnel and fiscal are not the responsibility of the Early Childhood Administrator. The written plan shall identify the person/entity performing these duties, and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.
169. A licensee shall ensure that a staff member who meets the qualifications 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.

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

Early Childhood Teacher(s)	Total # of Early Childhood Assistants, Caregivers & Interns
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, Early Childhood Caregivers, and Early Childhood Interns shall be based on the number of staff as needed to comply with staff/child ratios as stated in Rule #185. A licensee may choose to use more staff than required without needing to increase the number of Early Childhood Teachers. Part-time staff members working in the positions of Early Childhood Assistant Teachers, Early Childhood Caregivers, and Early Childhood Interns may be grouped as one (1) Full Time Equivalent (FTE) when their combined part-time work schedules add up to the equivalent of a full time staff person at the Center.

**Direct Child Care Duties**

171. A licensee shall ensure that staff charged with caring for children are not given other duties which would interfere with providing care to children.

**Substitute and Volunteer Staff**

172. A licensee shall have substitute staff that are at least sixteen (16) years of age, including documentation of their qualifications to fill a particular position 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 by at least an Early Childhood Teacher, School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center and under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant at all times.

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

173. A licensee shall ensure that volunteers are at least sixteen (16) years of age and counted for the purposes of staff/child ratios only when it is documented that they are fully qualified for the particular position in which they are volunteering and present at the Center for seven (7) or more hours a week.
174. A licensee shall ensure that volunteers present less than seven (7) hours a week not counted toward staff/child ratios and be under the supervision of at least an Early Childhood Teacher, School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center and under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant at all times and not be alone with the children at any time.
175. 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**

176. A licensee shall document that all staff members have been given an orientation training session with the opportunity to ask questions and receive clarification 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 on positive behavior management, routine and emergency health care including health exclusions, child accident and injury procedures, administration of medication, child care, goals and program for children, recordkeeping, family involvement, safety and sanitation procedures, nutrition and food safety, transporting children, if applicable, and release of children;
  - C. Center personnel and administrative policies;
  - D. Child abuse and neglect law and reporting requirements and Center's procedures to report abuse and neglect;
  - E. Recognition of the symptoms of childhood illnesses, including reportable communicable diseases, child abuse, sexual abuse and neglect;
  - F. Information on any other Federal or State Laws or regulations applicable to children and families in care including non-discrimination; and
  - G. Applicable licensing rules and the location of a copy of the complete rules shall be made available at the Center for staff review whenever requested.

## **ANNUAL TRAINING**

177. A licensee shall document that all staff, including an actively involved Owner and the Early Childhood or School-Age Administrator, participate in annual training. Staff members providing direct child care and working twenty-five or more hours per week shall participate in eighteen (18) clock hours of training annually, and those working less than twenty-five (25) hours per week shall participate in nine (9) clock hours of training annually. Staff members not providing direct child care shall participate in three (3) clock

hours of training annually. Only owners, substitutes, or volunteers that work or volunteer less than seven (7) hours per week shall be exempt from the annual training requirements.

- A. For staff members providing direct child care, all training shall be within topics or core areas associated with improving quality in the early care and education and school-age care. Topics shall include the following core areas: Child Development; Developmental Curriculum Planning; Positive Behavior Management; Health & Safety; Nutrition; Family/Community; Professionalism; and Administration.
- B. For staff members not providing direct child care such as those assigned only to clerical, janitorial and food service duties, training shall be in topics specific to the job functions of their particular position.
- C. Training in CPR, First Aid and Administration of Medication shall not count toward a staff member's annual training requirement even when required for a particular position.

178. A licensee shall ensure that staff members complete annual training during the time period beginning at the start date and ending at the expiration date of the Center's license.

#### **ANNUAL PROFESSIONAL DEVELOPMENT PLAN**

179. A licensee shall ensure that each year all staff members complete individual Professional Development Plans which includes input from the staff member and is approved by the Early Childhood or School-Age Administrator. The Professional Development Plans shall at least include written documentation of the following:

- A. Current qualifications;
- B. Annual goal(s) for the individual staff member's professional development;
- C. Progress made toward the goal(s);
- D. All training completed by the staff member during that particular year including copies of training certificates and/or proof of successful completion of the training; and
- E. How listed training is related to goals.

180. A licensee shall ensure that the individual Professional Development Plans are available for review by the Office of Child Care Licensing as a part of the Center's annual licensure renewal process.

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

181. 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.

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

183. 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.

184. 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 and during off-site activities such as outings or field trips.

**NUMBER OF STAFF**

185. A 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	Under 1 Year	1:4	8
Young Toddler	1 to 2 Years	1:6	12
Older Toddler	2 to 3 Years	1:8	16
Young Preschool Child	3 to 4 Years	1:10	20
Older Preschool Child	4 to 5 Years or older (Or not yet in K* or first grade which ever comes first)	1:12	24
School-Age Child	5 Years or older (Or at least in K* or first grade which ever comes first)	1:15	30

\* K - Kindergarten

A. A Center licensed before the effective date of these rules shall have four (4) calendar years from the effective date or no later than January 1, 2011 to achieve compliance with staff/child ratios and maximum group sizes requirements.

186. 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.

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

188. A licensee shall ensure that for mixed age groups, the staff/child ratio and group size requirements are that for the age of the youngest child present.

189. A licensee shall ensure that the curriculum goals and program of daily activities for each group of children is implemented by an assigned staff member in the position of Early Childhood Teacher, School-Age Site Coordinator, Early Childhood Assistant Teacher, School-Age Site Assistant, or Early Childhood Caregiver with approval and monitoring by the either the Early Childhood Administrator, School-Age Administrator,

Early Childhood Curriculum Coordinator, or School-Age Site Coordinator when assigned such duty.

190. A licensee shall assign staff to each group of children to meet staff/child ratios.
- A. Only staff members who are qualified, physically present, and working with children shall be counted for the purposes of staff/child ratios.
191. A licensee shall ensure that for children one (1) year and older, during nap times when children are sleeping, at least one-half (1/2) of the normal staff complement as required by Rule #185 are physically present with each group of children and directly observing the children.
192. A licensee shall provide supervision of children at all times.
193. A licensee shall have at least two (2) staff present when seven (7) or more children one (1) year and older are present.
- A. The licensee shall have emergency procedures providing immediate access to emergency service and additional staff when only one (1) staff member is present with children at the Center.
  - B. When only one (1) staff member is present with children, that staff member shall have no other responsibilities than direct child care during that time.
194. 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 segregation of age groups for children one (1) year and older will not be required but that there is an organized approach to the supervision of and accountability for children and staff/child ratios are still maintained.

## **STAFF COMMUNICATION**

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

## **PHYSICAL ENVIRONMENT AND SAFETY**

### **GENERAL**

196. A licensee shall ensure that every building, or part thereof that is used as a Center, is constructed, used, furnished, maintained and equipped in compliance with all applicable requirements established by Federal, State, local and municipal regulatory bodies.
- A. The licensee shall have written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation and fire safety.

### **USABLE SPACE**

197. A licensee shall maintain all areas of the facility in a clean, safe condition free from hazards to the health and safety of children.
198. A licensee shall ensure that all structures, fences, equipment and grounds are maintained so as to be free from any hazard to health and safety.

199. A licensee shall ensure that grounds drain either naturally or through installed drainage systems so that there is no standing drainage water on the premises.
200. A licensee shall ensure that garbage and rubbish are stored securely in non-combustible, covered containers in separate areas inaccessible to children and 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.
201. A licensee shall ensure that trash collection receptacles are stored in designated areas away from the children's play areas.
202. A licensee shall ensure that all areas accessible to the Center determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots, are fenced off or have natural barriers to protect children.

#### **OUTDOOR AREA**

203. A licensee shall maintain or have access to an outdoor play area with at least seventy-five (75) square feet for each child for the maximum number of children who will use the playground at one (1) time.
- A. The outdoor play area shall be large enough to accommodate at least one-fourth (1/4) of the licensed capacity of the facility at any one (1) time.
204. A licensee of a Center licensed before the effective date of 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 #203.
205. A licensee shall ensure that the outdoor play area 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.
206. A licensee shall ensure that outdoor play areas are fenced.
- A. Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and not prevent observation of children by staff.
  - 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.
207. For a Center licensed before the effective date of these rules, the existing fencing shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the new fencing shall fully comply with Rule #206.
208. For a Center licensed before the effective date of these rules that has no existing fencing, that Center shall have two (2) years from the effective date or no later than January 1, 2009 to install fencing fully in compliance with Rule #206.
209. A licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zones of climbing equipment, slides, swings and similar equipment is of approved resilient material which absorbs falls.
- A. The fall zones shall be between six (6) to twelve (12) inches deep as determined by the height of the highest climbing surface of the equipment and consist of wood chips, mulch, engineered wood fibers, sand, pea gravel, safety-tested shredded or unitary rubber or rubber like materials, or rubber mats;
- 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,
- ii. All materials used for protective surfaces shall be of a size that prevents choking; and
- B. The materials used in the fall zone shall follow the instructions as listed in the most recent publication of the United States Consumer Product Safety Commission's (CPSC) *Handbook for Public Playground Safety* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpsc/pub/pubs/325.pdf> - Table 1 - Critical Heights (in feet) of Tested Materials (currently on page five (5) of the CPSC document) ; or
- C. The materials used in the fall zone shall follow the specific instructions as documented from the supplier to determine the appropriate depth or thickness.
- D. Protective surfaces of the fall zone shall extend at least six (6) feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar .
210. A licensee shall ensure that all surfaces of the outdoor play area are made up of materials that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing.
211. For a Center licensed before the effective date of these rules, that Center shall have two (2) years or no later than January 1, 2009 to replace small gravel or small stones with pea gravel or with another surface as approved by the Office of Child Care Licensing.
212. A licensee shall ensure that the outdoor play area has equipment for vigorous play and large muscle activity with attention to the needs of the diversity of children served and their abilities to participate and 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.



213. A licensee shall ensure that outdoor play equipment 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.
214. A licensee shall ensure that the outdoor play area has a shaded rest area for children.
215. When a licensee can demonstrate that the outdoor space rule cannot be met, the licensee shall provide, in addition to the indoor play space required by Rule #221, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity.
- A. The indoor space shall be at the site of the Center.
  - B. The licensee shall have a written plan which specifies how large muscle activity will be provided.
  - C. The licensee shall have a written plan to ensure some opportunities for safe outdoor activities in accordance with Rules #267, 379 & 382.
  - 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.
216. For a Center licensed before the effective date of these rules, the indoor space as indicated in Rule #215A may be at a nearby facility that was previously used and approved by the Office of Child Care Licensing unless the capacity of the Center increases or the physical plant of the Center changes allowing room for an indoor play space.
217. A licensee shall ensure that a roof top or elevated play space above the first floor is protected by a non-climbable, secure and hazard-free barrier that is at least seven (7) feet in height.

#### **RIDING TOYS**

218. A licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.
219. 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**

220. A licensee shall ensure that interior space designated for the use of children is available to children when the Center is in operation and is arranged to allow each child adequate space for free movement and active play.

#### **INDOOR AREA**

221. A licensee shall ensure that a Center 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.
222. 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.

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

### **SLEEPING ACCOMMODATIONS**

224. A 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 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 weekly and when soiled or wet.
- D. Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child.
- E. Each child under eighteen (18) months of age and not walking shall sleep in a crib or playpen. A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a cot, bed, or mat and bedding with written permission from the child's parent(s)/guardian(s).
225. A licensee shall ensure that sleeping mats are stored so that there is no contact with the sleeping surface of another mat or disinfected after each use.
226. A 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 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.
227. A 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.
228. A licensee shall ensure that rest equipment 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.

229. A licensee shall ensure that rest equipment is maintained in a safe condition.

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

230. A licensee shall ensure that a Center has a separate area where children who are exhibiting illnesses/symptoms requiring exclusion from the Center are cared for until they can be removed from the Center or are diagnosed as posing no risk to themselves or others.
- A. The separate area shall be furnished with rest equipment provided with clean bedding.
  - B. 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 is supervised and the child's individual needs for rest, comfort, food, drink and activity are met until the child can be picked up by a parent/guardian or suitably cared for elsewhere.

#### **TOILET FACILITIES**

231. A licensee shall ensure that a Center 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.
232. A licensee shall ensure that a Center serving children over twenty-four (24) months of age has at least the number of child-sized and standard toilets and sinks in the following ratios:
- A. One (1) to ten (10) child-sized toilets for children over twenty-four (24) months through preschool age;
  - B. One (1) to fifteen (15) standard toilets 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.
233. 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 #232.
234. A licensee shall ensure that a Center serving only children under twenty-four (24) months of age has at least one (1) toilet and sink when fewer than twenty (20) children are served and at least two (2) toilets and sinks

when more than twenty (20) children are served.

235. A licensee shall ensure that potty chairs are not substituted for toilets and, if used, are placed in the toilet room.
- A. Potty chairs, when used, shall be cleaned and sanitized after each use in accordance with Rules #240 and 241.
236. A licensee shall ensure that each toilet room in a Center has at least one (1) operable window or mechanical ventilation.
237. A 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.
238. A licensee shall ensure that all surfaces in a toilet room are smooth, cleanable and non-absorbent.
239. A licensee shall ensure that toilet room(s) in a Center are maintained in a sanitary condition and cleaned daily or more frequently if needed.

## **SANITATION**

240. A licensee shall ensure that areas and equipment specified in Rules #241 and 242 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 is 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 used in accordance with label instructions.
241. A 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 Rule #248;
- D. Food preparation and eating surfaces such as counters, tables, and high chair trays;
- E. Toys mouthed by children;
- F. Mops used for cleaning;
- G. Bibs; and
- H. Thermometers.
242. A 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 Rule #225; and
- H. Smooth surfaced non-porous floors.

## HANDWASHING

243. A 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 and after eating or handling food;
  - B. Before and after giving medications;
  - C. Before and after caring for a child who may be sick;
  - D. Before and after using a water-play table with other children;
  - E. After toileting or diapering;
  - F. After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;
  - G. After handling animals or their equipment or after coming into contact with an animal's body secretions;
  - H. After playing in a sandbox;
  - I. After outdoor play;
  - J. After cleaning; and
  - K. After taking out the garbage.

## STANDARD PRECAUTIONS

244. 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. Non-porous gloves shall be used in these situations;
  - C. Staff involved in cleaning contaminated surfaces shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces;
  - 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

245. A licensee shall ensure that the diapers and other clothing of children are changed when wet or soiled.
- A. The licensee shall have an established procedure for checking diapers at least hourly including

- visually inspecting children's diapers at least every two (2) hours.
- B. The licensee shall ensure that a supply of clean diapers and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.
  - 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.
246. A licensee shall ensure that a Center has a diaper changing area with a clean, washable and non-absorbent surface.
- A. There shall be a separate hand-washing sink 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.
247. A licensee shall ensure that used disposable diapers 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.
248. A licensee shall have an established procedure for changing diapers to include at least the following steps:
- A. The licensee shall ensure that staff members use a diaper changing area in accordance with Rule #246;
  - B. The licensee shall ensure that staff members wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth;
  - C. The diaper changing area shall be cleaned and sanitized with a disinfectant solution after each use in accordance with Rules #240 and 241;
  - D. The licensee shall ensure that disposable diapers and disposable covers are disposed of in accordance with Rule #247;
  - E. The licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and 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 licensee shall ensure that staff members changing children's diapers 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.

## **FOOD SAFETY**

249. 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 Food Establishment permit required or no Food Establishment permit required,
250. A licensee of a Center that conducts a food operation which does not require a Food Establishment permit shall not change that type of food operation to one which requires a Food Establishment permit, except as approved by the Division of Public Health.
251. A licensee shall ensure that a kitchen or food preparation area is provided with the necessary operable equipment to prepare, store, serve and clean-up all meals and snacks for children and staff.
- A. The Center shall have a hand-washing sink in the food preparation area, separate from the sink used for food preparation and dishwashing.
252. A licensee shall ensure that floors, walls and counter surfaces in which any food comes in contact with are easily cleanable and impervious to water to the level of splash.
253. A licensee shall ensure that a Center has refrigeration to keep perishable food cold (forty (40) degrees F. or colder).
- A. There shall be a working thermometer in all refrigerators.
  - B. A Center where children eat lunches prepared at home shall provide adequate refrigerated storage for such lunches.
254. A licensee of a Center shall ensure that all single service dinnerware or utensils provided for meals or snacks are discarded immediately after use.
255. A licensee shall ensure that all food in a Center is clean, wholesome, free from spoilage and adulteration, correctly labeled and safe for human consumption.
256. A licensee shall ensure that storage areas for food in a Center 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.
257. A licensee shall ensure that the kitchen or food preparation area is constructed and supervised to prevent access by children unless staff is conducting a specific 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 OF PERSONAL BELONGINGS**

258. A licensee shall provide children with individual storage space for personal belongings so that clothing or bedding used by a child does not come into contact with that used by other children.

#### **DOORS, WINDOWS AND CLIMATE CONTROL**

259. A licensee shall provide insect screening for all exterior doors and operable windows when such doors and windows are used for ventilation, provided that all requirements for fire safety have been met. This screening shall be in good repair.
260. A licensee shall ensure that unless mechanical ventilation is provided, a Center 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 operable.
261. A licensee shall ensure that all floor or window fans in a Center are inaccessible to children and bear the safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory).
262. A licensee shall ensure that all closets and bathrooms are provided with doors that can be readily opened from both sides.
263. A licensee shall ensure that all heating and cooling equipment is safely shielded to prevent the injury of children.
- A. All heating and cooling equipment shall be properly installed, cleaned and maintained to operate safely.
- B. Portable space heaters shall be prohibited.
264. A licensee shall take 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.
265. A licensee shall ensure that room temperatures in rooms used by the children are maintained at a minimum temperature of sixty-five (65) degrees F. and a maximum of eighty-five (85) degrees F. at floor level unless there is conflict with Federal and State energy Laws.
- A. A Center shall be required to temporarily close if the minimum or maximum room temperatures cannot be maintained.
266. For a Center licensed after the effective date of these rules, a licensee shall ensure that air conditioning is used in rooms used by children to keep rooms comfortable as per Rule #265 during hot weather.

## **OUTDOOR CLIMATE**

267. A licensee shall be aware of extreme weather conditions such as air quality or wind chill factor that could affect the well being or health of children and limit outside playing time when such extreme weather conditions exist.

## **LIGHTING**

268. A licensee shall ensure that a Center has sufficient natural and artificial lighting to allow for the supervision of the children and provide illumination of at least thirty (30) foot candles at floor level in areas where children's activities occur.
269. A licensee shall ensure that parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by occupants after dark are illuminated.



## **WATER AND SEWAGE**

270. A licensee shall ensure that the temperature level of the water from all water taps accessible to children in care in a Center not exceed 120 degrees F.
271. A licensee shall ensure that the water supply and the sewage disposal in a Center are approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively.
- A. All sinks shall be designed to supply hot and cold water, under pressure, at all times to meet the needs of children in care.
  - B. All plumbing shall comply with the State or local plumbing code.
272. A licensee shall ensure that drinking water is always available to children and supplied to them upon their request.

## **HAZARDOUS FINISHES AND SURFACES**

273. A licensee shall ensure that the Center not utilize any rough surface or finish where such surface or finish may present a hazard to children in care.
274. A licensee shall ensure that the Center not have any building components, equipment, furnishing, or decorations surfaced with or containing hazardous materials such as asbestos, deteriorated lead-based paint, or lead-based paint present on accessible, friction or impact surfaces.
275. 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.

## **EMERGENCY PLANNING**

276. 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.
277. A licensee shall have a written evacuation plan of the Center posted in each room the children use.
- A. Monthly evacuation drills shall be practiced from all exit locations at varied times of the day and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, the number of children and staff members who participated, and the total amount of time necessary to evacuate the Center.
278. 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**

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

## **PETS**

- 280. A licensee shall ensure that any pets kept by or located in the Center are documented 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.
  - B. Animals shall be handled by children only under close staff supervision.
  - C. Animals shall be cared for in a safe and sanitary manner.
  - D. Animals such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds (birds of the parrot family), or any other animals that are known to be carriers of illnesses shall not be kept at the Center.

## **FIRST AID KITS**

- 281. A licensee shall have, in locations readily accessible to staff, but not to children, first aid kits containing, but not limited to 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. Instant cold pack;
  - M. Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide;
  - N. CPR Barrier device;
  - O. Small plastic or metal splints; and
  - P. Non-medicated adhesive strip bandages, plastic bags for cloths, gauze, and other materials used in handling blood.
  
- 282. A licensee shall ensure that a first aid kit is taken along with children when on field trips and other group visits outside the Center that contains all items listed in Rule #281 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

283. A licensee shall ensure that a Center has a working, listed telephone.
284. A licensee shall post the following emergency telephone numbers by a telephone accessible to all staff:
- A. 911: Providing access to ambulance or emergency medical services, police and fire departments;
  - B. Poison Control Center; and
  - C. Child Abuse Reporting Number.
285. 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 where parents/guardians can be reached; and
  - B. Telephone numbers of the health care provider designated by parents/guardians.
286. A licensee shall ensure that an operating phone is available to make emergency calls while on field trips or any excursion, including walks, outside of the Center.

## GENERAL SAFETY PRACTICES

287. A licensee shall ensure that all containers of poisonous, toxic, or hazardous materials kept in a Center are prominently and distinctly marked or labeled for easy identification as to contents and used only in such manner and under such conditions as will not contaminate food or constitute a hazard to the children in care or to staff.
- 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 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.
288. A licensee shall ensure that porches and elevated walkways or surfaces in a Center, of more than two (2) feet in height have hazard-free barriers to prevent falls.
289. A licensee shall ensure that every exit, exit access and exit discharge in a Center are continuously maintained free of obstruction.
290. A licensee shall ensure that glass door panels and windows within thirty-six (36) inches of the floor have safety guards such as rails or mesh or be of safety-grade glass or polymer and equipped with a vision strip.
291. A licensee shall utilize approved products and procedures to ensure that the Center is protected from insect infestation and the products and procedures do not present a hazard to children.

292. A licensee shall ensure that all buildings used by a Center are rodent free.
293. A licensee shall ensure that children in care of a Center not swim in areas posted as being unsafe. 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. 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.
294. A licensee shall ensure that stairways, inside and outside, over four (4) steps, have handrails at a maximum height of thirty-eight (38) inches.
295. 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.
296. A licensee shall ensure that a Center has child-proof receptacle covers for all electrical outlets not in use and accessible to children or has electrical outlets that are of the child-resistant ground-fault circuit-interrupter (GCFI) type.

## **TRANSPORTATION**

297. 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.
298. 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. A child preschool age or younger shall only be transported on a school bus that is properly equipped for child safety restraints unless written permission is received from the parent(s)/guardian(s) of that child allowing the child to be transported on a school bus unrestrained. The Center shall explain to parent(s)/guardian(s) in the Center's written transportation policy that while child safety restraints on school buses for children preschool age or younger are not currently required by State Law, the National Highway Traffic Administration recommends that children in this age group always be transported in school buses properly equipped for child safety restraints.
299. 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.
300. A licensee shall inform parents/guardians of the Center's transportation policy and obtain written permission from parents/guardians for any transportation provided by the Center. This permission shall specify any special need or problem of 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.
301. 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.
302. A licensee shall ensure that an operable phone and first aid kit are in all vehicles transporting children.
303. A licensee shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.
304. A licensee shall ensure that children are never left unattended in a vehicle used by the Center to transport children.
305. A licensee shall not transport children in the open back of a truck.
306. A licensee shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.
307. A licensee shall ensure that a vehicle used to transport children has an operable heater capable of maintaining a temperature of at least fifty (50) degrees F. in the vehicle.
308. 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.
309. A 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**

310. 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 if not accompanied by other children of any age who are not enrolled at the Center.
  - B. Volunteering parents/guardians shall be supervised by a staff member who is at least an Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant at all times and not be alone with the children at any time including the transportation of children.
311. 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 #185 with a minimum of two (2) staff members present at all times.

312. 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 At Least One (1) Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant
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 to ensure all children are accounted for at all times.
  - 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 #282.
  - 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.
  - F. Staff shall document that a roll check was conducted both before departing from the field trip site and again when returning to the Center.
313. A licensee shall ensure that staff and/or volunteering parents/guardians comply with **Transportation** Rules #297-309 when transporting children on field trips.

## HEALTH CARE

### HEALTH CONSULTATION

314. A licensee shall have specific arrangements with a health care provider who will agree to provide consultation on both routine and emergency health care for children.
- A. The above rule shall be excepted when the licensee employs a Registered Nurse licensed in Delaware to provide health services or arrangements have been made with a certified child care health consultant who is also a Registered Nurse licensed in Delaware.

### HEALTH CARE PLAN

315. A licensee shall have a written plan for the routine and emergency health care of children including procedures to be followed in case of illness and plans for accessing emergency services. Each staff

member shall receive a copy of this plan and be trained in its implementation during staff orientation. Parents/guardians shall be given a copy of this plan at the time of enrollment. The plan shall be approved by the health care provider or certified child care health consultant who is also a Registered Nurse licensed in Delaware and 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 parents/guardians cannot be reached;
- C. The Center's policy regarding the administration of medication; and
- D. A plan for the management of communicable disease including the following:
  - 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 Rule #320;
  - ii. The list of reportable communicable diseases for which a child will not be admitted to the Center without a written statement from a health care provider as specified in Rule #322; and
  - iii. Assurance that 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.

## HEALTH APPRAISAL

316. A licensee shall ensure that within one (1) month following admission, the licensee has on file an age-appropriate health appraisal conducted within the last twelve (12) months prior to admission for each child in attendance unless required by Law to be admitted without a health appraisal such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations. Health appraisals shall be certified by a health care provider and updated yearly or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

- A. A health history;
- B. A 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 any recommended or required screening or testing such as for blood-lead or tuberculosis; and
- G. Documentation of the immunization status, with a listing of day, month and year of administration for each immunization required by the Division of Public Health as specified in the **Appendix, Recommended Childhood and Adolescent Immunization Schedule**. For current information the licensee shall contact the Division of Public Health or refer to the CDC website - <http://www.cdc.gov/nip/recs/child-schedule.htm>.
  - i. The licensee shall not permit a child to be admitted to the Center who is not age-appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established (see below) or as required by Law to be admitted without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.

- ii. If a child has not received immunizations as required for the child's age, the licensee shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Early Childhood or School-Age Administrator within fourteen (14) days of the child's admission or as required by Law such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.
- iii. If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Center until the immunizations have been obtained and written documentation of such has been submitted to the Early Childhood or School-Age Administrator.

317. A licensee shall ensure that for school-age children, a copy of the health appraisal required by the child's school is also on file at the Center.
318. A licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis or whose health care provider certifies that such immunization may be detrimental to the child's health will be exempt from the immunization requirement provided that the parent(s)/guardian(s) submits to the Early Childhood or School-Age Administrator a notarized statement explaining the exemption is in compliance with State Law.

#### **HEALTH OBSERVATION ON ARRIVAL**

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

#### **HEALTH EXCLUSION**

320. A licensee shall not permit a child who has symptoms of illness specified below to be admitted to the Center or remain at the Center unless written documentation from a health care provider, or verbal with written follow-up, states the child has been diagnosed and poses no serious health risk to the child or to other children. The symptoms of illness for possible exclusion shall include, but not be limited to any of the following:
- 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.
321. A licensee shall ensure that the child may return to the Center when the symptoms are no longer present or a health care provider indicates the child poses no serious health risk to the child or to other children.
322. A licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health to be admitted to or remain at the Center, unless:
- A. Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the child or to others;
  - B. The licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others; or
  - C. If there is conflict in the opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the licensee shall follow the instructions of the Division of Public Health.
323. A licensee shall report any reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable diseases, the licensee shall contact the Division of Public Health or refer to the website - <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.
324. A licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the Center in accordance with Division of Public Health procedures.
325. A licensee shall ensure that if a child who has already been admitted to a Center manifests any of the illnesses or symptoms specified in Rules #320 and 322 above, the licensee will remove the child from the

group of well children to a separate area as specified in Rule #230 until:

- A. The child can be picked up by the parent(s)/guardian(s) or suitably cared for elsewhere; or
- B. A health care provider indicates verbally or in writing that the illness/symptoms pose(s) no serious health risk to the child or to other children.

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

#### **ADMINISTRATION OF MEDICATION**

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

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

329. 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. Expiration date;
- K. Start date;
- L. End date;
- M. Reason for medication; and
- N. Any special directions.

330. A licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.

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

331. A licensee shall ensure that all non-prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.

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

332. A licensee shall not allow the administration of prescription or non-prescription medication that has expired and will immediately contact the parent/guardian of a child whose medication has expired to inform that

parent/guardian of the situation.

333. A licensee shall ensure that all medication in the Center is stored so as to be secure and inaccessible to children.
- A. Medication requiring refrigeration shall be kept in closed containers separate from food.
334. A licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by the child.
335. 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.
336. A licensee shall ensure that when a child is receiving medication, the trained staff members note in the records of that child and 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**

337. A licensee shall ensure that when an accident or injury occurs to a child during the hours of care, that the Center's staff take the emergency action to protect the child from further harm and notify the child's parent(s)/guardian(s).
- A. The licensee shall maintain an injury report for each incident in the child's file or a central log for the Center and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or outpatient treatment as required in Rules #119B & 120. 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**

338. A licensee shall ensure that a staff member does not provide personal care to or have direct contact with children during normal working activities when that staff member is known to have a communicable or other reportable disease which is readily contagious to others, whether the person has symptoms or is a carrier of such disease.
- A. A staff member shall not be involved in food preparation or serving, if so indicated by the symptoms or illness. The 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**

339. A 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;
  - D. If applicable, nutritional information and guidelines concerning the content of meals to be provided by parents/guardians;
  - E. If applicable, procedures to prevent spoilage of food brought from home;
  - F. If applicable, a procedure to be followed by Center staff if food brought from home fails to meet nutritional requirements as specified by Rules # 356-358; and
  - G. This policy shall be provided to all parents/guardians at enrollment.
340. A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage and clean-up and adhere to the Center's policy on food service.
- A. Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the Center's program or supervision of children while performing food service activities.
341. A licensee shall ensure that the Center has an annual review of a two (2) week menu sample by the Office of Child Care Licensing. Consultation and technical assistance shall be used as needed to correct any problem(s) identified by this annual review and/or during licensing or complaint investigations.
342. A 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 shall be documented on the menu on or before 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.
343. A licensee shall ensure that meals and snacks are provided by a Center except when one (1) of the following circumstances occur:
- A. A written statement has been signed by a parent/guardian and kept on file indicating that the parent/guardian has chosen to provide food for the child;
  - B. The licensee makes it known to all parents/guardians at the time of application for enrollment that meals 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 #356–358 and the **Appendix, CACFP Meal Pattern Requirements for Infants** and **CACFP Meal Pattern Requirement for Children**.
  - C. The Center has a field trip or a specific activity requiring special meal arrangements.
344. A licensee shall ensure that nutritious and appropriately-timed meals and snacks meeting nutritional requirements are served in accordance with the following schedule 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.
345. A licensee shall ensure that meals and snacks are provided in accordance to the current USDA/Child and Adult Care Food Program (CACFP) meal pattern requirements which are adjusted accordingly by the age of the infant and child as specified in **Appendix, CACFP Meal Pattern Requirements for Infants** and **CACFP Meal Pattern Requirement for Children**.
- A. The licensee shall have supplemental foods from all basic food groups to serve children if meals provided by parents/guardians fail to meet nutritional requirements as specified in Rules # 356-358.
346. A licensee shall provide food based on the basic food groups as follows:
- A. Milk: 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, and nuts;
- C. Fruits and vegetables: include a variety of fresh vegetables and fruits; and
- D. Grains: Whole grain and enriched products such as breads, cereals, pastas, crackers and rice.
347. A licensee shall ensure that when fruit juice is served, 100%-unsweetened juice is used, and not a fruit drink.
348. A licensee shall ensure that children are encouraged but not forced to eat.
349. A licensee shall provide for the introduction of a variety of food textures, finger foods, and a cup in the training of self-feeding and nutrition education.
350. A licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.
351. A licensee shall ensure that special, therapeutic diets are served by Center staff only upon written instructions by a health care provider.
352. A licensee shall ensure that if the parent(s)/guardian(s) requests any modification of basic meal patterns (see **Appendix, CACFP Meal Pattern Requirements for Infants** and **CACFP Meal Pattern Requirement for Children**) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Center with written documentation from the child's health care provider permitting the modification.
353. A licensee shall ensure that if the parent(s)/guardian(s) requests any modification of basic meal patterns (see **Appendix, CACFP Meal Pattern Requirements for Infants** and **CACFP Meal Pattern Requirement for Children**) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Center with written documentation specifying which foods are unacceptable and the food substitutions allowed within the same food group.

354. A licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast-fed, including allowing the mother to breastfeed her child at a designated place at the Center.
355. A licensee shall ensure that each individual child has his or her own utensils – fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be feed with. Such equipment shall not be shared with another child during feeding.

### **Toddlers And Older Children**

356. A licensee shall ensure that a breakfast served has at least one (1) item each from the milk (A), fruits and vegetables (C) and grain (D) food groups as described in Rule #346.
357. A licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (A), protein (B) and grain (D) food groups and two (2) items from the fruit and vegetable (C) food groups as described in Rule #346.
358. A licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in Rule #346.
- A. A licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parents/guardians provide meals.
- B. If milk or fruit juice is not included with a snack, water shall also be served with that snack.
359. A licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, teach and encourage the use of a cup.

### **Infants**

360. A licensee shall provide meals for infants according to the following guidelines except as noted following the procedures of Rules #352 and 353:
- A. A written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant at least on a monthly basis or as needed;
- i. Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;
- B. Foods shall be served on demand or during a span of time consistent with the infant's eating habits;
- C. Introduction to all new foods shall be made 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 may be introduced as requested by

- parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;
- 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;
  - G. Bottles and nipples maintained by 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;
  - I. Each infant's bottle shall be individually labeled with the infant's name and refrigerated immediately after preparation by Center staff or upon arrival if prepared by a parent/guardian;
  - J. Unused bottles shall also be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day;
  - 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;
  - P. Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;
  - 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 un-refrigerated 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;
  - U. 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;
  - W. An infant shall be held for bottle-feeding;
  - X. A staff person shall not bottle feed more than one (1) infant at a time;
  - Y. At no time shall an infant be placed in his or her crib with a bottle for feeding or a bottle be propped for feeding 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
  - BB. A daily written record of each infant's nutritional intake shall be maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Center.

## EARLY CARE AND EDUCATION

### POSITIVE BEHAVIOR MANAGEMENT

- 361. A licensee shall have a written statement in plain language regarding the positive behavior management of children. The statement on positive behavior management shall be posted in a prominent place in the Center and routinely provided to parents/guardians and staff.
- 362. A licensee shall ensure that all staff use 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.
    - i. 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.
    - ii. "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, taped, chained, caged 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 positive behavioral interventions and to adapt behavior management practices for a child who has a special need(s), including a behavioral and/or emotional disability.
363. A licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to other staff members and parent(s)/guardian(s) while at the Center.

## ENROLLMENT

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



365. A licensee shall provide any parent(s)/guardian(s) who is inquiring about or planning to enroll a child into the Center with information detailing his or her right to inspect the active record and complaint files of the Center. As a part of the enrollment or application process, the licensee shall require the parent(s)/guardian(s) to read and sign *The Parents Right to Know Act* form and keep the signed document on file at the Center.
- A. A copy of the signed document shall be given to the parent(s)/guardian(s).
  - B. In the event that the parent(s)/guardian(s) do not enroll the child, the signed document shall be kept on file as proof of presenting the information.
366. A licensee shall ensure that a child not attends 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 medications, if applicable
  - L. Child's medical or food allergies; and
  - M. Name and phone number of the child's health care provider.
367. A licensee shall ensure that enrollment procedures involve a meeting with the parent(s)/guardian(s) and the child to:
- A. Determine if the 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
  - B. Provide an opportunity for the parent(s)/guardian(s) and child to observe the Center and program.

## TRANSITIONS

368. 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.
369. 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**

370. A licensee shall have an organized system of communicating with parent(s)/guardian(s) in a respectful manner that incorporates the use of a written policy regarding parent(s)/guardian(s) communication including strategies to ensure parent(s)/guardian(s) involvement in the Center as follows:
- A. Assurances that parent(s)/guardian(s)' visits and monitoring of the program are welcomed;
  - B. Assurances of nondiscrimination and respect for each child's family and culture;
  - C. Assurances that parent(s)/guardian(s) are of primary importance in children's development;
  - D. Procedures for learning about parent(s)/guardian(s) preferences and goals and any concerns or special circumstances that may influence the child's development and learning;
  - E. Procedures for ensuring that parent(s)/guardian(s) are kept regularly informed concerning the program and their children's developmental and educational progress;
  - F. Information about procedures used by the Center to assess children's accomplishments and needs and, when there are concerns, to refer parent(s)/guardian(s) for additional help in the community;
  - G. Multiple opportunities for involvement of all parent(s)/guardian(s) that includes an awareness of the diversity of families enrolled especially concerning cultural and language differences and the ability for parent(s)/guardian(s) to participate communicating in their native language whenever possible;
  - H. Specific strategies to encourage the involvement of parent(s)/guardian(s) that have the tendency not to be involved with the Center;
  - I. A procedure for informing parent(s)/guardian(s) of the identities of the governing body members;
  - J. Procedures for a minimum of one (1) conference annually between Center staff and parent(s)/guardian(s);
  - K. A procedure encouraging parent(s)/guardian(s) to review current licensing rules made available at the Center;
  - L. A procedure for making and handling complaints from parent(s)/guardian(s) regarding the Center;
  - M. A statement of the Center's developmental and educational goals for all children;
  - N. A typical daily schedule of the Center's programs and activities;
  - O. A written explanation of the Center's policy on positive behavior management;
  - P. A copy of the Center's policy on nutrition and food service;
  - Q. A written explanation of the Center's policy on safety and sanitation;
  - R. A written explanation of the Center's policy on transporting children, if applicable;
  - S. Procedures related to release of children;
  - T. A copy of the Center's routine and emergency health care plan including health exclusions and administration of medication;

- U. Procedures to regularly report any accidents or critical incidents involving the child and any other important information relating to the child;
- V. A written explanation of the mandatory reporting of child abuse and neglect; and
- W. Written notice of an outbreak of a communicable disease.

371. A licensee shall ensure that this policy is provided to parent(s)/guardian(s) at enrollment.
372. A licensee shall ensure that parent(s)/guardian(s) have access to the Center to observe their children at any time without prior approval of the Center.
373. 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, Division of Family Services or other entities with statutory responsibilities for issues relating to the health, safety and protection of children.

#### **PROGRAM GOALS AND PLANNING**

374. A licensee shall develop written goals for children's development and education. Goals shall include areas of physical, social, emotional, language/literacy, and cognitive development and be appropriate to the ages and developmental levels of the children in attendance at the Center. The goals shall reflect what the Center hopes to accomplish through its program of activities.
375. A licensee shall have a written plan of developmentally appropriate activities designed to help all children reach the goals described in Rule #374. 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 #374. Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be identified. The plan shall reflect that the children have the choice to participate in at least four (4) activities each day. The time allotted for such activities shall constitute at least one-third (1/3) of the time the child is in attendance for a particular day.
- A. Activities shall be varied, developmentally appropriate, may be related to themes, culturally meaningful and educationally valuable and promote the development of language, literacy, reasoning and problem-solving skills, understanding of numbers and other mathematical and scientific concepts, 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 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, IFSPs, and Section 504 plans.
  - B. Activity plans shall also be based on best practices and accepted research in the field of early care and education and in alignment with principles of foundations of learning and development as set forth by the Delaware and/or United States Department of Education.
  - C. *Delaware Early Learning Foundations for School Success* regarding preschoolers is on the Delaware Department of Education website at:  
[http://www.doe.k12.de.us/early\\_childhood/Standards/preschool.htm](http://www.doe.k12.de.us/early_childhood/Standards/preschool.htm)
  - D. *Delaware Infant and Toddler Early Learning Foundations: A Curriculum Framework* regarding infants and toddlers is on the Delaware Department of Education website at:  
[http://www.doe.k12.de.us/early\\_childhood/Standards/InfantToddlerFoundationStandards.pdf](http://www.doe.k12.de.us/early_childhood/Standards/InfantToddlerFoundationStandards.pdf)
376. 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.

377. 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.
378. A licensee shall ensure that the program in a Center provides physical care routines appropriate to each child's developmental needs.
- A. A 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 or want additional rest or sleep.
  - C. The rest area(s) shall be lighted enough to allow for visual supervision at all times.
379. A licensee shall develop 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.
380. 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).
381. A licensee shall ensure that for toddlers and older, other activity areas include the following and involve activities available at least once a week:
- A. Cooking or food exploration;
  - B. Science and nature investigation;
  - C. Music and rhythm; and
  - D. Multi-sensory play tables using materials such as water, sand, rice or beans.
382. A licensee shall ensure that each child, according to his or her ability, is provided the opportunity for a minimum of twenty (20) minutes of moderate to vigorous physical activity indoors and/or outdoors, for every three (3) hours the child is in attendance between the hours of 7:00 am to 7:00 pm.
383. A licensee shall ensure that television, digital video display (DVD), and video cassette viewing shall be as follows:
- A. Prohibited for children younger than two (2) years of age;
  - B. Not permitted without the written approval of each child's parent/guardian;

- C. Limited to programs which are age-appropriate and educational; and
- D. Not to exceed one (1) hour daily per child or group of children.
  - i. Viewing time periods may be extended for specific special events or occasions such as a current event, holiday or birthday celebration. Written documentation shall justify the reason(s) for extending the time period.

384. A licensee shall ensure that the use of the computer shall be as follows:

- A. Prohibited for children younger than two (2) years of age;
- B. Not permitted without the written approval of each child's parent/guardian;
- C. Limited to programs, games and websites which are age-appropriate and educational;
- D. Provides protections from exposure to inappropriate websites such as those that are sexually explicit, violent, or use inappropriate language;
- E. Supervised by a staff member; and
- F. Not to exceed one (1) hour daily per child or group of children.
  - i. Usage time periods may be extended for special projects such as homework, researching topics, or special events or interests of a child or group of children. Written documentation shall justify the reason(s) for extending the usage period.

#### **DOCUMENTING CHILDREN'S PROGRESS**

385. A licensee shall have an organized system for documenting the progress of individual children preschool-age and younger in relation to appropriate developmental and educational goals. This documentation shall be done annually and used to identify possible concerns, and activities and experiences that may benefit the child.
386. 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**

387. A licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children unless twelve (12) or fewer children in total are present.
388. A licensee shall ensure that a staff member who at least is an Early Childhood Assistant Teacher or Early Childhood Caregiver is always in the room with the infants and toddlers.
389. 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.
390. A licensee shall provide low chairs and tables or infant seats with trays for table play and mealtime for children no longer being held for feeding. High chairs or feeding tables with attached seats, if used, shall have a wide base and a T-shaped safety strap(s).
391. A licensee shall provide a rocking chair or other comfortable adult-size seating for at least one-half (1/2) of the staff members on duty in the infant area.

### **PROGRAM FOR INFANTS**

392. A licensee shall ensure that with the approval of the Early Childhood Administrator or Early Childhood Curriculum Coordinator, individual plans are developed for each infant in care. 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).
393. 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.
394. 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**

395. A licensee shall ensure that with the approval of the Early Childhood Administrator or Early Childhood Curriculum Coordinator, individual plans are developed for each toddler in care. 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).
396. A licensee shall ensure that staff interact with toddlers at their eye level, and whenever appropriate, sitting on the floor with the toddlers, providing the following opportunities throughout the day:
- 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**

397. A licensee shall ensure that staff interact with preschool-age children at their eye level, and whenever appropriate, sitting on the floor with the children, providing the following opportunities throughout the day:
- 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**

- 398. A licensee shall ensure that when ten (10) or more school-age children are in attendance, the school-age children are cared for in an area physically separated from younger children.
- 399. A licensee shall ensure that the outdoor play area for school-age children is physically separated or used at separate times from that provided for children younger than school-age.

### **PROGRAM FOR SCHOOL-AGE CHILDREN**

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

### **EQUIPMENT**

- 401. 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.
- 402. 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.
- 403. 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 #402:
  - 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 other 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.
404. A licensee shall ensure that for children over eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule #402:
- 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.
405. A licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small loose pieces and are free from recall.
- A. For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission website at [www.cpsc.gov](http://www.cpsc.gov).

- 406. A licensee shall ensure that furniture is durable and child-sized or adapted to children's use. Tables shall be at waist height of the intended child-user and the child's feet are able to reach a firm surface while the child is seated.
- 407. A licensee shall ensure that equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the program.
- 408. A licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster awareness of other cultures and communities.
- 409. A licensee shall prohibit toys that explode or fire projectiles.
- 410. A licensee shall ensure that infants and toddlers do not have access to plastic bags, styrofoam objects or toys, and objects with a diameter of less than one (1) inch.

### **SMOKING PROHIBITED**

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

### **RELEASE OF CHILDREN**

- 412. A 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;
  - D. Procedures to be followed when a person not authorized to receive a child, or a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child;
  - 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
  - F. This release policy shall be provided to all parents/guardians of the children in attendance, staff members and volunteers.
- 413. A 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.
- 414. A 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 keep written documentation of such verification for at least twenty-four (24) hours.
- 415. A licensee shall ensure that when a parent/guardian calls the Center requesting emergency release of a child, the staff member verifies the identity of the parent/guardian prior to releasing the child.

**PART II**  
**NIGHT CARE**

*Final – January 2007*  
**GENERAL RULES**

416. Night Care may be provided by a Center licensed to provide only Night Care or as a component of a licensed Center.
417. A Center licensed to provide only Night Care shall be exempt from the following rules in **Part I, GENERAL PROVISIONS**:
- A. Rules #191 & 193 (Number of Staff); and
  - B. Rules #203 - 217 (Outdoor Area).

**PHYSICAL ENVIRONMENT AND SAFETY**

**SECURITY**

418. A licensee shall show evidence of a security program to ensure that access to children is limited to authorized persons.
419. A licensee shall ensure that the exterior of the building is illuminated in accordance with Rule #269.

**SLEEPING ARRANGEMENTS**

420. A licensee shall ensure that sleeping arrangements are structured so that children who are awake are cared for in a separate area from sleeping children and that sleeping children are not disturbed.
421. A licensee shall ensure that children over the age of seven (7) years do not share a dressing area with persons of the opposite sex.
422. A licensee shall ensure that each child is provided with sleeping equipment as specified in Rules #224-229.
- A. For children sleeping four (4) or more hours at the Center during the evening, or are sleeping overnight, the licensee shall provide, as appropriate to their age, a crib or individual bed with a mattress that is covered with sheets and a seasonably-appropriate blanket.
  - B. The licensee shall also provide a pillow with a pillowcase for a child in a bed.
423. A licensee shall ensure that each child has individual, clean, and comfortable sleeping garments.

**BATHING FACILITIES**

424. A licensee shall follow the parent(s)/guardian(s)' preference regarding bathing the child as discussed with the parent(s)/guardian(s) and noted in the child's record.
- A. 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 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.
- H. Individual towels and washcloths shall be provided for each child.

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

- A. A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). A staff member shall respect that child's privacy but be immediately available to ensure the child's safety and to offer assistance when requested by the child.

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

### **GROOMING AIDS**

427. A licensee shall ensure that combs, toothbrushes, brushes and other such personal items are marked with the owner's name and stored separately and used only by that child.

### **HUMAN RESOURCES**

#### **AWAKE STAFF**

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

#### **NUMBER OF STAFF**

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

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

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

### **CHILD CARE**

#### **ACTIVITIES**

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

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

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

**PART III**  
**SCHOOL-AGE CENTER**

## GENERAL RULES

433. School-Age Care may be provided by a School-Age Center that exclusively offers care, education, protection, supervision or guidance for school-age children before and/or after school; during school holidays; and/or summer months.
434. A School-Age Center shall be exempt from the following rules in **Part I, GENERAL PROVISIONS**:
- A. Rules # 232 – 235 (Number of Toilets);
  - B. Rule #296 (General Safety Practices – Outlet Covers);
  - C. Rules #354, 359 & 360 (Infant and Toddler Food and Nutrition);
  - D. Rules #385 & 386 (Documenting Children’s Progress);
  - E. Rules #387 - 391 (Infant And Toddler Care);
  - F. Rules #392 - 394 (Program For Infants);
  - G. Rules #395 & 396 (Program For Toddlers);
  - H. Rule #397 (Program for Preschool-Age Children); and
  - I. Rule #410 (Equipment).

## HUMAN RESOURCES

### STAFF QUALIFICATIONS

435. For a School-Age Center licensed before the effective date of these rules, the licensee shall ensure that a staff member who is already in a particular position or a new hire at that Center:
- A. Has four (4) calendar years from the effective date or no later than January 1, 2011 to meet the qualifications of a School-Age Administrator or School-Age Site Coordinator
  - B. Has two (2) calendar years from the effective date or no later than January 1, 2009 to meet the qualifications of a School-Age Site Assistant or School-Age Intern.
  - C. Is eligible for the time-limited periods to qualify for a particular position provided that person remains at that School-Age Center or transfers only to a School-Age Center licensed before the effective date of these rules and is directly affiliated with the original School-Age Center. A School-Age Center directly affiliated with the original School-Age Center shall mean that the staff member is still employed by the same parent organization/company and at least retains all years of service when transferred.
  - D. Has a written professional development plan kept in that staff member’s personnel file that documents the particular position desired, the goals to achieve that position, the progress made toward the position at least on a yearly basis , and the target date for goal completion when working toward qualifying for a particular position during the time-limited period.
436. A licensee shall ensure that each School-Age Center staff member submits written documentation to the Office of Child Care Licensing that shows how a staff member is fully qualified for a particular position. The documentation shall consist of copies of training certificates, transcripts, diploma(s), or staff training records. Upon approval from the Office of Child Care Licensing, the licensee shall ensure that the letter of approval for each qualified staff member is filed in that staff member’s personnel file.

437. A licensee shall ensure that a staff member qualifying for a particular position in a School-Age Center may, when applicable, use college/university credits based on specific topic areas/titles, substitutions for college/university credits, or other training that is demonstrated to be equivalent to a particular qualification in these rules all as approved or accepted by the Office of Child Care Licensing.
438. A licensee shall ensure that a person appointed to a position at a School-Age Center that becomes newly licensed subsequent to the effective date shall meet the qualifications of these rules for that position.

#### **School-Age Administrator**

439. A licensee shall ensure that a School-Age Administrator meets the same qualifications as an Early Childhood Administrator in relation to Rules #153, 154, 155 and 159 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, college/university credits related to the needs of the school-age children served; and
  - C. In relation to Associate degree, in a field related to recreation, elementary education, school-age care or school-age care administration.

#### **School-Age Site Coordinator**

440. 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) college/university credits related to the needs of the school-age children served and three (3) years experience working with children school age or younger in a group setting, or
  - B. At least successful completion of sixty (60) college/university credits including twelve (12) college/university credits related to the needs of the school-age children served and two (2) years of experience working with children school-age or younger in a group setting.
441. A licensee shall ensure that the School-Age Site Coordinator has successfully completed at least three (3) college/university credits or forty-five (45) clock hours of training in curriculum development for elementary education or school-age care which may be included in the total number of college/university credits required for this position, if assigned the responsibility of the development, evaluation or monitoring of the School-Age Center's curriculum.



### **School-Age Site Assistant**

442. 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) college/university credits or sixty (60) clock hours of training related to the needs of the school-age children served 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); or
  - B. At least successful completion of *Delaware First's* "Introduction to Child Care" or "Child Development" completed within twelve (12) 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**

443. 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 Child Care" or "Child Development" completed within twelve (12) months of employment.
444. A licensee shall ensure that a School-Age Intern under the age of eighteen (18) does not provide direct child care to children who are close in age. Such a School-Age Intern shall be at least four (4) years older than any child in his or her direct care.

### **Staffing**

445. 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.
446. 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.
447. A licensee shall ensure that a School-Age Center has at least one (1) staff member who meets the qualifications for the position of School-Age Site Coordinator when the School-Age Administrator is responsible for more than one (1) School-Age Center.
448. A licensee shall ensure that a staff member with the qualifications of a School-Age Administrator or School-Age Site Coordinator is present at least fifty (50) percent of the hours of operation.

449. A licensee shall ensure that a School-Age Site Coordinator is responsible for no more than two (2) School-Age Centers.
450. A licensee shall ensure that a School-Age Center has at least one (1) staff member who at least meets the qualifications for the position of School-Age Site Assistant.
451. A licensee shall ensure that when a School-Age Administrator or School-Age Site Coordinator is not present at the School-Age Center, an assigned staff member that at least meets the qualifications of School-Age Site Assistant as stated in Rule #442A is present.
- A. This staff member shall be specifically designated as responsible for the School-Age Center in the absence of the School-Age Administrator or School-Age Site Coordinator and have documented training in the day-to-day operations of the Center with an emphasis in the supervision of children and staff.

## **PHYSICAL ENVIRONMENT AND SAFETY**

### **OUTDOOR PLAY AREA**

452. A licensee shall have plans approved by the Office of Child Care Licensing for a safe outdoor play area.
- A. A licensee shall provide either safe open outdoor space for running and games or supervised excursions to public and private playgrounds.
453. A licensee operating a School-Age Center at a public or private school shall be able to use that school's playground as the outdoor play area upon approval by the Office of Child Care Licensing.

### **TOILET FACILITIES**

454. A licensee shall ensure that the School-Age Center has one (1) toilet and sink for every twenty-five (25) school-age children, based on licensed capacity.
- A. Urinals shall be counted as one-half (1/2) of a toilet for the purposes of this calculation provided that the population served includes a significant number of males and that a minimum of two (2) flush toilets are available and accessible to both males and females.
- B. Children shall be given privacy in toilet use unless assistance is required.

### **TRANSPORTATION**

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

**HEALTH CARE**

**FOOD AND NUTRITION**

456. 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 #346 is served to each child in after school care.
- A. If breakfast is not served at the School-Age Center, a nutritious snack shall be served to each child who is in before school care for more than two (2) hours.
  - B. If milk or fruit juice is not included with a snack, water shall also be served with that snack.

**CHILD CARE**

**ACTIVITIES**

457. A licensee shall ensure that a program of indoor and outdoor activities and supplies and equipment is provided based on the ages and developmental levels of school-age children served.
- A. Children shall be given daily opportunities for active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment.
  - 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 #404, 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.
  - G. Children shall have the opportunity to take responsibility consistent with their ages for choosing, planning, carrying out and evaluating their own activities.
  - H. Children shall be given opportunities to experience a diversity of activities that reflect the various communities, languages and cultures of the children in attendance.

**APPENDIX**

**Appendix: The Delaware Child Care Act – Delaware’s Child Care Licensing Law**

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

**§ 341. Short title.**

This act may be referred to and cited as "The Delaware Child Care Act." (73 Del. Laws, c. 165, § 1.)

**§ 342. Definitions.**

For the purpose of this act:

(1) "Child care" means and includes:

- a. Any person, association, agency or organization which:
  - 1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or guardian, for the purpose of providing such child or children with care, education, protection, supervision or guidance;
  - 2. Is compensated for their services;
  - 3. Advertises or holds himself, herself or itself out as conducting such child care;
- b. The provision of, or arranging for, the placement of children in foster care homes, adoptive homes or supervised independent living arrangements; and
- c. Family child care homes, large family child care homes, day care centers, child placing agencies, residential child care facilities and day treatment programs as currently defined by regulation. Day-care centers operating part- or full-day are subject to licensure. Homes in which children have been placed by any child placing agency properly licensed to place children in this State shall not be regarded as "child care."

(2) "Office of Child Care Licensing" means the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families. (Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 31 Del. C. 1953, § 341; 70 Del. Laws, c. 186, § 1; 73 Del. Laws, c. 165, § 1; 73 Del. Laws, c. 279, § 1.)

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

- (a) Any person or association conducting child care and all institutions, agencies and associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors, including organizations providing care of children whether dependent or otherwise, in lieu of the care and supervision ordinarily provided by parents in their own homes for periods of less than 24 hours a day, must accord the Office of Child Care Licensing or its authorized agents right of entrance, privilege of inspection and access to its accounts and reports.
- (b) A person or association conducting child care and all institutions, agencies, associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors shall make reports at such time as is required by the Office of Child Care Licensing as to conditions of such child care, the manner and way in which children are taken care of, former addresses and such other information as will show the social status of the child, how and to whom dismissed, the extent and source of its income, the cost of maintenance and such other reasonable information as will enable the Office of Child Care Licensing to promote the general welfare of the children and to work out a general program for their care and protection.
- (c) The Office of Child Care Licensing may prescribe, by regulation or otherwise, any reasonable standards for the conduct of such child care facilities, institutions, agencies, associations or organizations and may license such of these as conform to such standards. All regulations, enforcement actions, decisions, investigations and the like

previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding passage of this subchapter. (Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 44 Del. Laws, c. 78; 31 Del. C. 1953, § 342; 58 Del. Laws, c. 64, § 1; 64 Del. Laws, c. 108, § 4; 73 Del. Laws, c. 165, § 1.)

**§ 344. Child care licenses; investigations; requirements.**

- (a) No person may conduct child care, nor may any institution, agency, association or organization conduct child care, unless first having obtained a license from the Office of Child Care Licensing. Such license shall expire 1 year from the date it is issued unless renewed.
- (b) In the case of a person conducting child care, no license shall be issued to such person until the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:
  - (1) The good character and intention of the applicant or applicants;
  - (2) That the individual home or facility meets the physical, social, moral, mental and educational needs of the average child;
  - (3) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
  - (4) That the required criminal background checks are completed and approved.
- (c) In the case of an institution, agency, association or organization, no license shall be issued until the Office of Child Care Licensing has made a thorough investigation and has made a favorable determination of:
  - (1) The good character and intention of the applicant or applicants;
  - (2) The present and prospective need of the service rendered;
  - (3) The employment of capable, trained and experienced workers;
  - (4) Sufficient financial backing to ensure effective work;
  - (5) The probability of the service being continued for a reasonable period of time;
  - (6) Whether the methods used and disposition made of the children served will be to their best interests and that of society;
  - (7) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
  - (8) That the required criminal background checks are completed and approved.
- (d) This section shall not apply to any institution, agency, association or organization under state ownership and control, nor shall it apply to any maternity ward of a general hospital. (Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 31 Del. C. 1953, § 343; 58 Del. Laws, c. 64, § 1; 64 Del. Laws, c. 108, § 4; 73 Del. Laws, c. 165, § 1.)

**§ 345. Penalties for violations.**

Anyone who violates a provision of this subchapter shall be fined not more than \$100 or imprisoned not more than 3 months, or both. (Code 1915, § 1004A; 30 Del. Laws, c. 64; 38 Del. Laws, c. 63, § 3; Code 1935, § 1119; 31 Del. C. 1953, § 344; 73 Del. Laws, c. 165, § 1.)

**Appendix: Child Abuse Reporting Law**

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

**§ 901. Purpose.**

It is the intent of the General Assembly that the primary purpose of the child welfare policy of this State shall be to ensure the best interest and safety of the child, including preserving the family unit whenever the safety of the child is not jeopardized. To that end it is the purpose of this chapter to provide for comprehensive protective services for abused and neglected children by mandating that reports of such abuse or neglect be made to the appropriate authorities and by requiring the child protection system to seek and promote the safety of children who are the subject of such reports of abuse or neglect by conducting investigations or family assessments and providing necessary services.

It shall further be the purpose of this chapter to provide for the protection of all children in facilities or organizations required to be licensed under Delaware law whose primary concern is that of child welfare and care by requiring the Attorney General to notify any such facility in cases where an employee of such a facility or any other person associated with such facility has been charged with or convicted of an offense involving child sexual abuse. (16 Del. C. 1953, § 1001; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 68 Del. Laws, c. 440, § 1; 71 Del. Laws, c. 199, § 2.)

**§ 902. Definitions [Effective until July 9, 2006. For the version of this section effective July 9, 2006, see the following section, also numbered 902.]**

As used in this chapter, the following terms mean:

- (1) "Abuse" shall mean any physical injury to a child by those responsible for the care, custody and control of the child, through unjustified force as defined in § 468 of Title 11, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment.
- (2) "Baby" shall mean a child not more than 14 days old, except that for hospitals and their employees and volunteers, "baby" shall mean a child reasonably believed to be not more than 14 days old.
- (3) "Child" shall mean any person who has not reached his or her 18th birthday.
- (4) "Child Protection Registry" or "Registry" means a collection of information as described in subchapter II of this chapter about persons who have been substantiated for abuse or neglect as provided in Subchapter II of this chapter or who were substantiated between August 1, 1994, and February 1, 2003.
- (5) "Child welfare proceeding" means any Family Court proceeding and subsequent appeal therefrom involving custody, visitation, guardianship, termination of parental rights, adoption or other related petitions that involve a dependent, neglected or abused child or a child at risk of same as determined by the Family Court.
- (6) "Conviction" or "convicted" means entry of a plea of guilty or nolo contendere, regardless of whether the plea was subsequently discharged or dismissed under the first offenders domestic violence diversion program pursuant to § 1024 of Title 10, or under the first offenders controlled substances diversion program pursuant to § 4764 of this title, or of a Robinson plea, or of a probation before judgment discharge without judgment of conviction notwithstanding the provisions of § 4218(f) of Title 11, or a finding of guilt after trial, or a finding of not guilty after trial as a result of the defense of mental disease or defect pursuant to Title 11, or adjudication of delinquency for conduct which if committed by an adult, would constitute a crime; or "conviction" or "convicted" under similar proceedings of another state, territory or jurisdiction.

- (7) "Director" shall mean the Director of the Division of Family Services of the Department of Services for Children, Youth and Their Families.
- (8) "Division" shall mean the Division of Family Services of the Department of Services for Children, Youth and Their Families.
- (9) "Family assessment and services" shall mean a case management approach by the Division of Family Services that provides for a prompt assessment of a child and the child's family and the circumstances of the reported incident (including the known history of the child and/or the alleged perpetrator) when there has been a report to the Division that the child was a victim of abuse or neglect, or at risk of maltreatment by a person responsible for that child's care, custody or control. Family assessment and services shall be used in conjunction with the investigation approach defined in subdivision (7) of this section but may not supplant it in circumstances which require an investigation. The family assessment response shall focus on the integrity and preservation of the family and shall assess the status of the child and the family in terms of the risk of abuse and neglect and, if necessary, plan and provide for the provision of community-based services to reduce the risk and to otherwise support the family.
- (10) "Good faith" shall be presumed in the absence of evidence of malice or willful misconduct.
- (11) "Internal information system" shall mean a system of maintaining information related to all reports of abuse, neglect, investigations, family assessments, services and other relevant information.
- (12) "Investigation" shall mean the collection of evidence in response to a report of abuse, neglect, or risk of maltreatment by a person responsible for that child's care, custody or control in order to determine if a child has been abused, neglected, or is at risk of maltreatment. The Division shall develop protocols for its investigations that focus on ensuring the well-being and safety of the child. The Division may conduct an investigation in response to any report of abuse, neglect, or risk of maltreatment but shall conduct an investigation as enumerated under § 906 (b)(3) of this title.
- (13) "Neglect" shall mean 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.
- (14) "Report" shall mean the communication of an allegation of child abuse or neglect to the Division pursuant to § 903 or § 905 of this title;
- (15) "Special Investigator" shall mean a Division employee, appointed by the Secretary, who performs abuse and neglect investigations and possesses additional qualifications and authority as defined by § 9016 of Title 29.
- (16) "Substantiation" means a finding by a preponderance of the evidence that abuse or neglect has occurred.
- (17) "Those responsible for the care, custody, and control of the child" shall include, but not be limited to, the parents or guardian of the child, other members of the child's household, adults within the household who have responsibility for the child's well-being, persons who have temporary responsibility for the child's well being, or a custodian as that term is defined by § 901(6) of Title 10. (60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 213, § 1; 71 Del. Laws, c. 199, § 3; 72 Del. Laws, c. 179, § 3; 72 Del. Laws, c. 469, § 4; 73 Del. Laws, c. 187, § 2; 73 Del. Laws, 73 Del. Laws, c. 412, §§ 2-5.)

**§ 902. Definitions [Effective July 9, 2006. For the version of this section effective until July 9, 2006, see the preceding section, also numbered 902.]**

As used in this chapter, the following terms mean:

- (1) "Abuse" shall mean any physical injury to a child by those responsible for the care, custody and control of the child, through unjustified force as defined in § 468 of Title 11, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment.
- (2) "Child" shall mean any person who has not reached his or her 18th birthday.



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- (3) "Child Protection Registry" or "Registry" means a collection of information as described in subchapter II of this chapter about persons who have been substantiated for abuse or neglect as provided in Subchapter II of this chapter or who were substantiated between August 1, 1994, and February 1, 2003.
- (4) "Child welfare proceeding" means any Family Court proceeding and subsequent appeal therefrom involving custody, visitation, guardianship, termination of parental rights, adoption or other related petitions that involve a dependent, neglected or abused child or a child at risk of same as determined by the Family Court.
- (5) "Conviction" or "convicted" means entry of a plea of guilty or nolo contendere, regardless of whether the plea was subsequently discharged or dismissed under the first offenders domestic violence diversion program pursuant to § 1024 of Title 10, or under the first offenders controlled substances diversion program pursuant to § 4764 of this title, or of a Robinson plea, or of a probation before judgment discharge without judgment of conviction notwithstanding the provisions of § 4218(f) of Title 11, or a finding of guilt after trial, or a finding of not guilty after trial as a result of the defense of mental disease or defect pursuant to Title 11, or adjudication of delinquency for conduct which if committed by an adult, would constitute a crime; or "conviction" or "convicted" under similar proceedings of another state, territory or jurisdiction.
- (6) "Director" shall mean the Director of the Division of Family Services of the Department of Services for Children, Youth and Their Families.
- (7) "Division" shall mean the Division of Family Services of the Department of Services for Children, Youth and Their Families.
- (8) "Family assessment and services" shall mean a case management approach by the Division of Family Services that provides for a prompt assessment of a child and the child's family and the circumstances of the reported incident (including the known history of the child and/or the alleged perpetrator) when there has been a report to the Division that the child was a victim of abuse or neglect, or at risk of maltreatment by a person responsible for that child's care, custody or control. Family assessment and services shall be used in conjunction with the investigation approach defined in subdivision (7) of this section but may not supplant it in circumstances which require an investigation. The family assessment response shall focus on the integrity and preservation of the family and shall assess the status of the child and the family in terms of the risk of abuse and neglect and, if necessary, plan and provide for the provision of community-based services to reduce the risk and to otherwise support the family.
- (9) "Good faith" shall be presumed in the absence of evidence of malice or willful misconduct.
- (10) "Internal information system" shall mean a system of maintaining information related to all reports of abuse, neglect, investigations, family assessments, services and other relevant information.
- (11) "Investigation" shall mean the collection of evidence in response to a report of abuse, neglect, or risk of maltreatment by a person responsible for that child's care, custody or control in order to determine if a child has been abused, neglected, or is at risk of maltreatment. The Division shall develop protocols for its investigations that focus on ensuring the well-being and safety of the child. The Division may conduct an investigation in response to any report of abuse, neglect, or risk of maltreatment but shall conduct an investigation as enumerated under § 906 (b)(3) of this title.
- (12) "Neglect" shall mean 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.
- (13) "Report" shall mean the communication of an allegation of child abuse or neglect to the Division pursuant to § 903 or § 905 of this title;
- (14) "Special Investigator" shall mean a Division employee, appointed by the Secretary, who performs abuse and neglect investigations and possesses additional qualifications and authority as defined by § 9016 of Title 29.
- (15) "Substantiation" means a finding by a preponderance of the evidence that abuse or neglect has occurred.

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- (16) "Those responsible for the care, custody, and control of the child" shall include, but not be limited to, the parents or guardian of the child, other members of the child's household, adults within the household who have responsibility for the child's well-being, persons who have temporary responsibility for the child's well being, or a custodian as that term is defined by § 901(6) of Title 10. (60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 213, § 1; 71 Del. Laws, c. 199, § 3; 72 Del. Laws, c. 179, § 3; 72 Del. Laws, c. 469, § 4; 73 Del. Laws, c. 187, § 2; 73 Del. Laws, 73 Del. Laws, c. 412, §§ 2-5.)

**§ 902A. Registration; procedure; notice.**

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

**§ 903. Reports required.**

Any physician, and any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner or any other person who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition. (16 Del. C. 1953, § 1002; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 72 Del. Laws, c. 179, § 4.)

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

Any report required to be made under this chapter shall be made to the Division of Child Protective Services of the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division of Child Protective Services, or in accordance with the rules and regulations adopted by the Division. (16 Del. C. 1953, § 1003; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 108, §§ 4, 11.)

**§ 905. Telephone reports, Child Protection Registry and information system.**

- (a) The Division shall establish and maintain a 24-hour statewide toll-free telephone report line operating at all times and capable of receiving reports of alleged abuse and neglect pursuant to § 904 of this title or from the public at large.
- (b) The Division shall maintain a Child Protection Registry and an internal information system as defined by § 902 of this title. Reports unsubstantiated may be kept in the internal information system by the Division at its discretion.
- (c) Although reports may be made anonymously, the Division shall in all cases, after obtaining relevant information regarding alleged abuse or neglect, request the name and address of any person making a report.
- (d) Upon receipt of a report, the Division shall immediately communicate such report to its appropriate Division staff, after a check has been made with the internal information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, or any reports regarding any siblings, family members or the alleged perpetrator, and such information as may be contained from such previous reports. Such relevant information as may be contained in the internal information system shall also be forwarded to the appropriate Division staff. (16 Del. C. 1953, § 1004; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 108, § 4; 68 Del. Laws, c. 440, § 2; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 199, § 4; 73 Del. Laws, c. 412, §§ 26, 27.)

**§ 906. State response to reports of abuse or neglect.**

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

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- (1) Receive and maintain reports pursuant to the provisions of §§ 903 and 905 of this title;
- (2) Forward reports to the appropriate Division staff, who shall determine, through the use of protocols developed by the Division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols for making this determination shall be developed by the Division and shall give priority to ensuring the well-being and safety of the child;
- (3) The Division may investigate any report, but shall conduct an investigation involving all reports, which if true, would constitute violations against a child by a person responsible for the care, custody and control of the child of any of the following provisions of § 603, 604, 611, 612, 613, 621, 625, 626, 631, 632, 633, 634, 635, 636, 645, 763, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 782, 783, 783A, 791, 1100, 1101, 1102, 1107, 1108, 1109, 1110, 1111, or 1259 of Title 11, or an attempt to commit any such crimes. The Division staff shall also contact the appropriate law enforcement agency upon receipt of any report under this section and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the Division in the investigation or provide the Division, within a reasonable time, an explanation detailing the reasons why it is unable to assist. Notwithstanding any provision of the Delaware Code to the contrary, to the extent the law enforcement agency with jurisdiction over the case is unable to assist, the Division may request that the Delaware State Police exercise jurisdiction over the case and upon such request the Delaware State police may exercise such jurisdiction;
- (4) The assisting law enforcement agency shall promptly conduct its own criminal investigation, and keep the Division regularly apprised of the status and findings of its investigation. Law enforcement agencies and the Division shall develop protocols to ensure compliance with this subsection."
- (5) The Division shall have authority to secure a medical examination of a child, without the consent of those responsible for the care, custody and control of the child, if the child has been reported to be a victim of abuse or neglect; provided, that such case is classified as an investigation pursuant to § 906(b)(3) of this title and the Director or the Director's designee gives prior authorization for such examination upon finding that such examination is necessary to protect the health and safety of the child;
- (6) The investigation shall include, but need not be limited to, the nature, extent and cause of the abuse or neglect, collection of evidence, the identity of the alleged perpetrator, the names and condition of other children and adults in the home, the home environment, the relationship of the subject child to the parents or other persons responsible for the child's care, any indication of incidents of physical violence against any other household or family member, background checks on all adults in the home, and the gathering of other pertinent information;
- (7) In the family assessment and services approach, assess service needs of the family from information gathered from the family and other sources. The Division shall identify and provide services for families where it is determined that the child is at risk of abuse or neglect. The Division shall document its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect. If the family refuses to accept or avoids the proffered services, the Division may refer the case for investigation or terminate services;
- (8) Commence an immediate investigation if at any time during the family assessment and services approach the Division determines that an investigation as delineated in subsection (3) of this section is required or is otherwise appropriate. The Division staff who have conducted the assessment may remain involved in the provision of services to the child and family;
- (9) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. The reason for the termination of the investigative process shall be documented;
- (10) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;
- (11) Identify local services and assist with access to those services for children and families where there is risk of abuse or neglect;

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- (12) Update the internal information system at regular intervals during the course of the investigation. At the conclusion of the investigation or family assessment, the internal information system shall be updated to include a case finding;
  - (13) When a written report is made by a person required to report under § 903 of this title, the Division shall contact the person who made such report within 48 hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, which may be pertinent;
  - (14) Upon completion of an investigation or family assessment and services approach, if the Division suspects that the report was made maliciously or for the purpose of harassment, the Division shall refer the report and any evidence of malice or harassment to the appropriate law enforcement agency;
  - (15) Multidisciplinary services shall be used whenever possible in conducting the investigation or family assessment and services approach, including the services of law enforcement agencies, the medical community, and other agencies, both public and private. The Division and the Attorney General's Office shall cooperate with law enforcement agencies and the Family Court to develop training programs to increase the ability of Division personnel, court personnel, and law enforcement officers to investigate suspected cases of abuse and neglect;
  - (16) A person required to report under § 903 of this title to the Division shall be informed by the Division of the person's right to obtain information concerning the disposition of the report. Such person shall receive, from the local office, if requested, information on the general disposition of the report at the conclusion of the investigation;
  - (17) In any judicial proceeding involving the custody of child, the fact that a report has been made pursuant to § 903 or § 905 of this title shall not be admissible unless offered by the Division as a party or as a friend of the Court or if the Division is a party. However, nothing herein shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and
  - (18) To protect the privacy of the family and the child named in a report, the Division shall establish guidelines concerning the disclosure of information concerning the abuse and neglect involving a child. The Division may require persons to make written requests for access to records maintained by the Division. The Division shall only release information to persons who have a legitimate public safety need for such information or a need based on the health and safety of a child subject to abuse, neglect or the risk of maltreatment, and such information shall be used only for the purpose for which the information is released.
- (c) In the event that a criminal prosecution for child sexual abuse or exploitation is initiated by the Department of Justice against a person employed by or associated with a facility or organization required to be licensed or whose staff personnel are required to be licensed under Delaware law whose primary concern is that of child welfare and care, the Attorney General shall notify such employer within 48 hours:
- (1) Upon the return of an indictment charging such person with having committed at least 1 felony offense involving an allegation of child sexual abuse; or
  - (2) Upon an adjudication of guilt of such person for any misdemeanor or violation, when such offense involved sexual abuse, in any degree, of a child under age 18.
- Any violations of this subsection shall be dealt with administratively by the Attorney General and the penalty provisions of § 914 of this title shall not apply hereto.
- (d) In the event that a criminal prosecution for abuse or neglect is initiated by the Department of Justice pursuant to a report under this chapter and incarceration of the person who is the subject of the report is ordered by the Court, the Attorney General's office shall keep the Division informed of actions taken by the courts which result in the release of any such individual; provided that the Attorney General's office is represented at such a hearing. (71 Del. Laws, c. 199, § 5; 71 Del. Laws, c. 424, § 8; 72 Del. Laws, c. 173, § 5; 73 Del. Laws, c. 412, § 28.)

**§ 907. Temporary emergency protective custody.**

- (a) A police officer or a physician who reasonably suspects that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect and who reasonably suspects the harm or threat to life may occur before the Family Court can issue a temporary protective custody order may take or retain temporary emergency protective custody of the child without the consent of the child's parents, guardian or others legally responsible for the child's care.
- (b) Any person taking a child into temporary emergency protective custody under this section shall immediately notify the Division, in the county in which the child is located, of the person's actions and make a reasonable attempt to advise the parents, guardians, or others legally responsible for the child's care. Such person shall also file, as soon as practicable but no later than 12 hours thereafter, a written statement with the Division which sets forth the identity of the child and the facts and circumstances which gave such person reasonable cause to believe that there was imminent danger of serious physical harm or threat to the life of the child. Upon notification that a child has been taken into temporary emergency protective custody, the Division shall immediately respond in accordance with § 906 of this title to secure the safety of the child which may include ex parte custody relief from the Family Court if appropriate.
- (c) Temporary emergency protective custody for purposes of this section shall not exceed 4 hours and shall cease upon the Division's response pursuant to subsection (b).
- (d) For the purposes of this section, temporary emergency protective custody shall mean temporary placement within a hospital, medical facility or such other suitable placement; provided, however, that an abused or neglected child may not be detained in temporary custody in a secure detention facility.
- (e) A Division investigator conducting an investigation pursuant to § 906 of this title shall have the same authority as that granted to a police officer or physician in paragraph (a) of this section, subject to all the same conditions as those listed in paragraphs (a) through (d) of this section, provided that the child in question is located at a school, day care facility or child care facility at the time that the authority is initially exercised. In no other case shall an employee of the Division exercise custody under this section. (71 Del. Laws, c. 199, § 5; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 173, § 7.)

**§ 907A. Safe Arms for Babies [Expiration effective July 9, 2006. See notes.]**

- (a) The General Assembly finds and declares that the abandonment of a baby is an irresponsible act by parent(s) and places the baby at risk of injury or death from exposure, actions by other individuals, and harm from animals. However, the General Assembly does recognize that delivering a live baby to a safe place is far preferable to a baby killed or abandoned by the parent(s). The General Assembly further finds and declares that the purpose of this section is not to circumvent the responsible action of parent(s) who adhere to the current process of placing the baby for adoption, but to prevent the unnecessary risk of harm to or death of that baby by desperate parent(s) who would otherwise abandon or cause the death of that baby. The General Assembly further finds and declares that medical information about the baby and the baby's parent(s) is critical for the adoptive parents and that every effort should be made, without risking the safe placement of the baby, to obtain that medical information and provide counseling information to those parent(s). The General Assembly further finds and declares that if this section does not result in the safe placement of such babies or is abused by parent(s) attempting to circumvent the current process of adoption, it should be repealed.
- (b) A person may voluntarily surrender a baby directly to an employee or volunteer of the emergency department of a Delaware hospital inside of the emergency department, provided that said baby is surrendered alive, unharmed and in a safe place therein.
- (c) A Delaware hospital shall be authorized to take temporary emergency protective custody of the baby who is surrendered pursuant to this section. The person who surrenders the baby shall not be required to provide any information pertaining to his or her identity, nor shall the hospital inquire as to same. If the identity of the person is known to the hospital, the hospital shall keep the identity confidential. However, the hospital shall either make reasonable efforts to directly obtain pertinent medical history information pertaining to the baby and the baby's family or attempt to provide the person with a postage paid medical history information questionnaire.
- (d) The hospital shall attempt to provide the person leaving the baby with the following:
  - (1) Information about the Safe Arms program;

- (2) Information about adoption and counseling services, including information that confidential adoption services are available and information about the benefits of engaging in a regular, voluntary adoption process; and
  - (3) Brochures with telephone numbers for public or private agencies that provide counseling or adoption services.
- (e) The hospital shall attempt to provide the person surrendering the baby with the number of the baby's identification bracelet to aid in linking the person to the baby at a later date, if reunification is sought. Such an identification number is an identification aid only and does not permit the person possessing the identification number to take custody of the baby on demand.
  - (f) If a person possesses an identification number linking the person to a baby surrendered at a hospital under this section and parental rights have not already been terminated, possession of the identification number creates a presumption that the person has standing to participate in an action. Possession of the identification number does not create a presumption of maternity, paternity or custody.
  - (g) Any hospital taking a baby into temporary emergency protective custody pursuant to this section shall immediately notify the Division and the State Police of its actions. The Division shall obtain ex parte custody and physically appear at the hospital within 4 hours of notification under this subsection unless there are exigent circumstances. Immediately after being notified of the surrender, the State Police shall submit an inquiry to the Delaware Missing Children Information Clearinghouse.
  - (h) The Division shall notify the community that a baby has been abandoned and taken into temporary emergency protective custody by publishing notice to that effect in a newspaper of statewide circulation. The notice must be published at least 3 times over a 3-week period immediately following the surrender of the baby unless the Division has relinquished custody. The notice, at a minimum, shall contain the place, date and time where the baby was surrendered, the baby's sex, race, approximate age, identifying marks, any other information the Division deems necessary for the baby's identification, and a statement that such abandonment shall be:
    - (1) The surrendering person's irrevocable consent to the termination of all parental rights, if any, of such person on the ground of abandonment; and
    - (2) The surrendering person's irrevocable waiver of any right to notice of or opportunity to participate in any termination of parental rights proceeding involving such child, unless such surrendering person manifests an intent to exercise parental rights and responsibilities within 30 days of such abandonment.
  - (i) When the person who surrenders a baby pursuant to this section manifests a desire to remain anonymous, the Division shall neither initiate nor conduct an investigation to determine the identity of such person, and no court shall order such an investigation unless there is good cause to suspect child abuse or neglect other than the act of surrendering such baby. (73 Del. Laws, c. 187, § 3.)

**§ 908. Immunity from liability, and special reimbursement to hospitals for expenses related to certain babies [Effective until July 9, 2006. For the version of this section effective July 9, 2006, see the following section, also numbered 908.]**

- (a) Anyone participating in good faith in the making of a report or notifying police officers pursuant to this chapter, performing a medical examination without the consent of those responsible for the care, custody and control of a child pursuant to § 906(b)(5) of this title, or exercising emergency protective custody in compliance with § 907 of this title, shall have immunity from any liability, civil or criminal, that might otherwise exist, and such immunity shall extend to participation in any judicial proceeding resulting from the above actions taken in good faith. This section shall not limit the liability of any health care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to § 906(b)(3) of this title.
- (b) A hospital, hospital employee or hospital volunteer which accepts temporary emergency protective custody of a baby pursuant to § 907A of this title is absolutely immune from civil and administrative liability for any act of commission or omission in connection with the acceptance of that temporary emergency protective custody or the provision of care for the baby when left at the hospital while said baby is in the hospital's temporary emergency protective custody except for negligence or intentional acts. If a hospital accepts temporary emergency protective custody of a baby pursuant to § 907A of this title, the State shall reimburse the hospital for eligible, medically necessary costs under the Medicaid Fee for Service Program. (16 Del. C. 1953, § 1005; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 71 Del. Laws, c. 199, § 5; 72 Del. Laws, c. 179, § 5; 73 Del. Laws, c. 187, §§ 4, 5.)

**§ 908. Immunity from liability [Effective July 9, 2006. For the version of this section effective until July 9, 2006, see the preceding section, also numbered 908.]**

Anyone participating in good faith in the making of a report or notifying police officers pursuant to this chapter, performing a medical examination without the consent of those responsible for the care, custody and control of a child pursuant to § 906(b)(5) of this title, or exercising emergency protective custody in compliance with § 907 of this title, shall have immunity from any liability, civil or criminal, that might otherwise exist, and such immunity shall extend to participation in any judicial proceeding resulting from the above actions taken in good faith. This section shall not limit the liability of any health care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to § 906(b)(3) of this title. (16 Del. C. 1953, § 1005; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 71 Del. Laws, c. 199, § 5; 72 Del. Laws, c. 179, § 5; 73 Del. Laws, c. 187, §§ 4, 5, 8.)

**§ 909. Privileged communication not recognized.**

No legally recognized privilege, except that between attorney and client and that between priest and penitent in a sacramental confession, shall apply to situations involving known or suspected child abuse, neglect, exploitation or abandonment and shall not constitute grounds for failure to report as required by § 903 of this title or to give or accept evidence in any judicial proceeding relating to child abuse or neglect. (16 Del. C. 1953, § 1007; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 71 Del. Laws, c. 199, § 5.)

**§ 910. Court orders to compel.**

- (a) Whenever an investigation has been opened with the Division pursuant to § 906 of this title for potential abuse or neglect of a child, the Division shall have the authority to request an order from the Family Court:
- (1) To obtain access to the child, or children, and the residence of child, or children;
  - (2) To compel the appearance of a person at an office of the Division in furtherance of the investigation; or
  - (3) To compel compliance with a treatment plan previously agreed to by a child's parent or guardian, if non-compliance with the plan endangers a child's safety.

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

- (b) For purposes of this section, "need" shall mean:
- (1) That the Division has in good faith attempted on at least 2 separate prior occasions, at least 1 of which was by written communication sent by certified mail, return receipt requested, to contact the person in question without success; or
  - (2) That a child is in danger of imminent physical injury due to the Division's inability to communicate with the person or see the child or the child's residence. (71 Del. Laws, c. 199, § 6; 72 Del. Laws, c. 173, § 6.)

**§ 911. Training and information.**

- (a) The Division shall, on a continuing basis, undertake and maintain programs to inform all persons required to report abuse or neglect pursuant to § 903 of this title and the public of the nature, problem and extent of abuse and neglect, and of the remedial and therapeutic services available to children and their families and to encourage self-reporting and the voluntary acceptance of such services.
- (b) The Division shall conduct ongoing training programs to advance the purpose of this section.
- (c) The Division shall continuously publicize the existence of the 24-hour report-line to those required to report abuse or neglect pursuant to § 903 of this title of their responsibilities and to the public the existence of the 24-hour statewide toll-free telephone number to receive reports of abuse or neglect. (71 Del. Laws, c. 199, § 6.)

**§ 912. The Child Protection Accountability Commission.**

- (a) The Delaware Child Protection Accountability Commission is hereby established. The Commission shall consist of 19 members with the at-large members and the Chair appointed by the Governor, shall be staffed by the Office of the Child Advocate and shall be comprised of the following:
- (1) The Secretary of Services for Children, Youth and Their Families, or the Secretary's designee;
  - (2) The Director of the Division of Family Services, or the Director's designee;
  - (3) Two representatives from the Attorney's General Office, designated by the Attorney General;
  - (4) Two members of the Family Court, designated by the Chief Judge;
  - (5) One member of the House of Representatives, designated by the Speaker of the House;
  - (6) One member of the Senate, designated by the President Pro Tempore of the Senate;
  - (7) The Chair of the Child Placement Review Board, or the Chair's designee;
  - (8) The Secretary of the Department of Education, or the Secretary's designee;
  - (9) The Director of Child Mental Health Services, or the Director's designee;
  - (10) Eight at-large members with 1 person from the medical community, 1 person from the Interagency Committee on Adoption who works with youth engaged in the foster care system, 2 persons from law enforcement agencies and 4 persons from the child protection community.
- (b) The Child Advocate shall serve as the Executive Director of the Commission to effectuate its purposes pursuant to Chapter 90A of Title 29. It shall be the purpose of the Commission to monitor Delaware's child protection system to best ensure the health, safety and well-being of Delaware's abused, neglected and dependent children. To that end, the Commission shall meet on a quarterly basis and shall:
- (1) Examine and evaluate the policies, procedures and effectiveness of the child protection system and make recommendations for changes therein, focusing specifically on the respective roles in the child protection system of the Division of Family Services, the Division of Child Mental Health Services, the Office of the Attorney General, the Family Court, the medical community, and law enforcement agencies;
  - (2) Recommend changes in the policies and procedures for investigating and overseeing the welfare of abused, neglected and dependent children;
  - (3) Advocate for legislation and make legislative recommendations to the Governor and General Assembly;
  - (4) Access, develop and provide quality training to staff of the Division of Family Services, Deputy Attorneys General, Family Court, law enforcement officers, the medical community, educators, day-care providers, and others on child protection issues;
  - (5) Review and make recommendations concerning the well-being of Delaware's abused, neglected and dependent children including, but not limited to, issues relating to foster care, adoption, mental health services, victim services, education, rehabilitation, substance abuse and independent living; and
  - (6) Provide the following reports to the Governor:
    - a. An annual summary of the Commission's work and recommendations, including work of the Office of the Child Advocate, with copies thereof sent to the Governor's Advisory Council for Children, Youth and Their Families for their consideration and comment; and
    - b. A quarterly written report of the Commission's activities and findings with copies thereof distributed to the Chairpersons of the House of Representatives Committee on Health and



**§ 913. Child under treatment by spiritual means not neglected.**

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child for the purposes of this chapter. (16 Del. C. 1953, § 1006; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1.)

**§ 914. Penalty for violation.**

Whoever knowingly violates § 903 this title shall be fined not more than \$1,000 or shall be imprisoned not more than 15 days, or both. (16 Del. C. 1953, § 1008; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1.)

Appendix: Recommended Childhood and Adolescent Immunization Schedule  
 Website - <http://www.cdc.gov/nip/recs/child-schedule.htm>

DEPARTMENT OF HEALTH AND HUMAN SERVICES • CENTERS FOR DISEASE CONTROL AND PREVENTION

Recommended Childhood and Adolescent Immunization Schedule UNITED STATES • 2006

Vaccine ▼	Age ►	Birth	1 month	2 months	4 months	6 months	12 months	15 months	18 months	24 months	4–6 years	11–12 years	13–14 years	15 years	16–18 years
Hepatitis B <sup>1</sup>	HepB	HepB	HepB	HepB*		HepB						HepB Series			
Diphtheria, Tetanus, Pertussis <sup>2</sup>			DTaP	DTaP	DTaP		DTaP			DTaP	Tdap		Tdap		
<i>Haemophilus influenzae</i> type b <sup>3</sup>			Hib	Hib	Hib*	Hib									
Inactivated Poliovirus			IPV	IPV		IPV				IPV					
Measles, Mumps, Rubella <sup>4</sup>						MMR				MMR			MMR		
Varicella <sup>5</sup>						Varicella				Varicella					
Meningococcal <sup>6</sup>								Vaccines with broken line are for selected populations		MPSV4		MCV4		MCV4	MCV4
Pneumococcal <sup>7</sup>			PCV	PCV	PCV	PCV				PCV		PPV			
Influenza <sup>8</sup>						Influenza (Yearly)				Influenza (Yearly)					
Hepatitis A <sup>9</sup>										HepA Series					

This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2005, for children through age 18 years. Any dose not administered at the recommended age should be administered at any subsequent visit when indicated and feasible. ■ indicates age groups that warrant special effort to administer these vaccines not previously administered. Additional vaccines may be licensed and recommended during the year. Licensed combination vaccines may be used whenever

any components of the combination are indicated and other components of the vaccine are not contraindicated and if approved by the Food and Drug Administration for that dose of the series. Providers should consult the respective ACIP statement for detailed recommendations. Clinically significant adverse events that follow immunization should be reported to the Vaccine Adverse Event Reporting System (VAERS). Guidance about how to obtain and complete a VAERS form is available at [www.vaers.hhs.gov](http://www.vaers.hhs.gov) or by telephone, 800-822-7967.

■ Range of recommended ages ■ Catch-up immunization ■ 11–12 year old assessment

- Hepatitis B vaccine (HepB).** *AT BIRTH:* All newborns should receive monovalent HepB soon after birth and before hospital discharge. Infants born to mothers who are HBsAg-positive should receive HepB and 0.5 mL of hepatitis B immune globulin (HBIG) within 12 hours of birth. Infants born to mothers whose HBsAg status is unknown should receive HepB within 12 hours of birth. The mother should have blood drawn as soon as possible to determine her HBsAg status; if HBsAg-positive, the infant should receive HBIG as soon as possible (no later than age 1 week). For infants born to HBsAg-negative mothers, the birth dose can be delayed in rare circumstances but only if a physician's order to withhold the vaccine and a copy of the mother's original HBsAg-negative laboratory report are documented in the infant's medical record. *FOLLOWING THE BIRTHDOSE:* The HepB series should be completed with either monovalent HepB or a combination vaccine containing HepB. The second dose should be administered at age 1–2 months. The final dose should be administered at age ≥24 weeks. It is permissible to administer 4 doses of HepB (e.g., when combination vaccines are given after the birth dose); however, if monovalent HepB is used, a dose at age 4 months is not needed. Infants born to HBsAg-positive mothers should be tested for HBsAg and antibody to HBsAg after completion of the HepB series, at age 9–18 months (generally at the next well-child visit after completion of the vaccine series).
- Diphtheria and tetanus toxoids and acellular pertussis vaccine (DTaP).** The fourth dose of DTaP may be administered as early as age 12 months, provided 6 months have elapsed since the third dose and the child is unlikely to return at age 15–18 months. The final dose in the series should be given at age ≥4 years. **Tetanus and diphtheria toxoids and acellular pertussis vaccine (Tdap – adolescent preparation)** is recommended at age 11–12 years for those who have completed the recommended childhood DTP/DTaP vaccination series and have not received a Td booster dose. Adolescents 13–18 years who missed the 11–12-year Td/Tdap booster dose should also receive a single dose of Tdap if they have completed the recommended childhood DTP/DTaP vaccination series. Subsequent tetanus and diphtheria toxoids (Td) are recommended every 10 years.
- Haemophilus influenzae* type b conjugate vaccine (Hib).** Three Hib conjugate vaccines are licensed for infant use. If PRP-OMP (PedvaxHIB<sup>®</sup> or ComVax<sup>®</sup> [Merck]) is administered at ages 2 and 4 months, a dose at age 6 months is not required. DTaP/Hib combination products should not be used for primary immunization in infants at ages 2, 4 or 6 months but can be used as boosters after any Hib vaccine. The final dose in the series should be administered at age ≥12 months.
- Measles, mumps, and rubella vaccine (MMR).** The second dose of MMR is recommended routinely at ages 4–6 years but may be administered during any visit, provided at least 4 weeks have elapsed since the first dose and both doses are administered beginning at or after age 12 months. Those who have not previously received the second dose should complete the schedule by age 11–12 years.
- Varicella vaccine.** Varicella vaccine is recommended at any visit at or after age 12 months for susceptible children (i.e., those who lack a reliable history of chickenpox). Susceptible persons aged ≥13 years should receive 2 doses administered at least 4 weeks apart.
- Meningococcal vaccine (MCV4).** Meningococcal conjugate vaccine (MCV4) should be given to all children at the 11–12 year old visit as well as to unvaccinated adolescents at high school entry (15 years of age). Other adolescents who wish to decrease their risk for meningococcal disease may also be vaccinated. All college freshmen living in dormitories should also be vaccinated, preferably with MCV4, although meningococcal polysaccharide vaccine (MPSV4) is an acceptable alternative. Vaccination against invasive meningococcal disease is recommended for children and adolescents aged ≥2 years with terminal complement deficiencies or anatomic or functional asplenia and certain other high risk groups (see *MMWR* 2005;54 [RR-7]:1-21); use MPSV4 for children aged 2–10 years and MCV4 for older children, although MPSV4 is an acceptable alternative.
- Pneumococcal vaccine.** The heptavalent pneumococcal conjugate vaccine (PCV) is recommended for all children aged 2–23 months and for certain children aged 24–59 months. The final dose in the series should be given at age ≥12 months. Pneumococcal polysaccharide vaccine (PPV) is recommended in addition to PCV for certain high-risk groups. See *MMWR* 2000; 49(RR-9):1-35.
- Influenza vaccine.** Influenza vaccine is recommended annually for children aged ≥6 months with certain risk factors (including, but not limited to, asthma, cardiac disease, sickle cell disease, human immunodeficiency virus [HIV], diabetes, and conditions that can compromise respiratory function or handling of respiratory secretions or that can increase the risk for aspiration), healthcare workers, and other persons (including household members) in close contact with persons in groups at high risk (see *MMWR* 2005;54[RR-8]:1-55). In addition, healthy children aged 6–23 months and close contacts of healthy children aged 0–5 months are recommended to receive influenza vaccine because children in this age group are at substantially increased risk for influenza-related hospitalizations. For healthy persons aged 5–49 years, the intranasally administered, live, attenuated influenza vaccine (LAIV) is an acceptable alternative to the intramuscular trivalent inactivated influenza vaccine (TIV). See *MMWR* 2005;54[RR-8]:1-55. Children receiving TIV should be administered a dosage appropriate for their age (0.25 mL if aged 6–35 months or 0.5 mL if aged ≥3 years). Children aged ≤8 years who are receiving influenza vaccine for the first time should receive 2 doses (separated by at least 4 weeks for TIV and at least 6 weeks for LAIV).
- Hepatitis A vaccine (HepA).** HepA is recommended for all children at 1 year of age (i.e., 12–23 months). The 2 doses in the series should be administered at least 6 months apart. States, counties, and communities with existing HepA vaccination programs for children 2–18 years of age are encouraged to maintain these programs. In these areas, new efforts focused on routine vaccination of 1-year-old children should enhance, not replace, ongoing programs directed at a broader population of children. HepA is also recommended for certain high risk groups (see *MMWR* 1999; 48[RR-12]:1-37).

The Childhood and Adolescent Immunization Schedule is approved by:  
 Advisory Committee on Immunization Practices [www.cdc.gov/nip/acip](http://www.cdc.gov/nip/acip) • American Academy of Pediatrics [www.aap.org](http://www.aap.org) • American Academy of Family Physicians [www.aafp.org](http://www.aafp.org)

Appendix: Child and Adult Care Food Program (CACFP) Meal Pattern Requirements for Infants

**CACFP Meal Pattern Requirements for Infants**

Age of Infant	Breakfast	Lunch/Supper	Snack
<b>Birth through 3 Months</b>	4-6 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup>	4-6 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup>	4-6 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup>

Age of Infant	Breakfast	Lunch/Supper	Snack
<b>4-7 Months</b>	4-8 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup>  0-3 tbsp. of infant cereal <sup>(1)(4)</sup>	4-8 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup>  0-3 tbsp. of infant cereal <sup>(1)(4)</sup> ; and  0-3 tbsp. of fruit or vegetable or both <sup>(4)</sup>	4-6 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup>

Age of Infant	Breakfast	Lunch/Supper	Snack
<b>8-11 Months</b>	6-8 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup> and  2-4 tbsp. of infant cereal <sup>(1)</sup> and  1-4 tbsp. of fruit or vegetable or both	6-8 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup> and  2-4 tbsp. of infant cereal <sup>(1)</sup> ; and/or  1-4 tbsp. of meat, fish, poultry, egg yolk, cooked dry beans or peas; or  ½ oz.-2 oz. cheese; or  1-4 oz. (volume) cottage cheese, and  1-4 tbsp. of fruit and/or vegetable or both	2-4 fl. oz. of formula <sup>(1)</sup> or breastmilk <sup>(2)(3)</sup> or fruit juice <sup>(5)</sup> and  0 – ½ slice bread <sup>(4)(6)</sup> or  0-2 crackers <sup>(4)(6)</sup>

**Additional Infant Meal Pattern Guidance:**  
<sup>1</sup> Infant formula and dry infant cereal must be iron-fortified.  
<sup>2</sup> Breastmilk or formula, or portions of both, may be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months.  
<sup>3</sup> For some breast-fed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered if the infant is still hungry.  
<sup>4</sup> A serving of this component is required when the infant is developmentally ready to accept it.  
<sup>5</sup> Fruit juice must be full-strength.  
<sup>6</sup> A serving of this component must be made from whole-grain or enriched meal or flour.

Appendix: Child and Adult Care Food Program (CACFP) Meal Pattern Requirement for Children

**CACFP Meal Pattern Requirements for Children**

<b>Breakfast</b>			
<i>Select all three components for a reimbursable meal.</i>			
<b>Food Components</b>	<b>Ages 1-2</b>	<b>Ages 3-5</b>	<b>Ages 6-12<sup>(1)</sup></b>
<b>1 Milk</b> ( <i>fluid milk</i> )	½ cup	¾ cup	1 cup
<b>1 Fruit/Juice<sup>(2)</sup>/Vegetable</b>	¼ cup	½ cup	½ cup
<b>1 Grains/Bread<sup>(3)</sup></b> <i>bread or cornbread or biscuit or roll or muffin or cold dry cereal or hot cooked cereal or pasta or noodles or grains</i>	½ slice ½ serving ¼ cup ¼ cup ¼ cup	½ slice ½ serving 1/3 cup ¼ cup ¼ cup	1 slice 1 serving ¾ cup ½ cup ½ cup

  

<b>Lunch/Supper</b>			
<i>Select all four components for a reimbursable meal.</i>			
<b>Food Components</b>	<b>Ages 1-2</b>	<b>Ages 3-5</b>	<b>Ages 6-12<sup>(1)</sup></b>
<b>1 Milk</b> ( <i>fluid milk</i> )	½ cup	¾ cup	1 cup
<b>2 Fruits/Juice<sup>(2)</sup>/Vegetables</b>	¼ cup	½ cup	¾ cup
<b>1 Grains/Bread<sup>(3)</sup></b> <i>bread or cornbread or biscuit or roll or muffin or cold dry cereal or hot cooked cereal or pasta or noodles or grains</i>	½ slice ½ serving ¼ cup ¼ cup ¼ cup	½ slice ½ serving 1/3 cup ¼ cup ¼ cup	1 slice 1 serving ¾ cup ½ cup ½ cup
<b>1 Meat/Meat Alternate</b> <i>meat or poultry or fish<sup>(4)</sup> or alternate protein product or cheese (no cheese food) or egg or cooked dry beans or peas or peanut or other nut or seed butters or nuts and/or seeds<sup>(5)</sup> or yogurt<sup>(6)</sup></i>	1 oz. 1 oz. 1 oz. ½ egg ¼ cup 2 tbsps. ½ oz. ½ cup	1½ oz. 1½ oz. 1½ oz. ¾ egg 3/8 cup 3 tbsps. ¾ oz. ¾ cup	2 oz. 2 oz. 2 oz. 1 egg ½ cup 4 tbsps. 1 oz. 1 cup

  

<b>Snack</b>			
<i>Select two of the four components for a reimbursable snack.</i>			
<b>Food Components</b>	<b>Ages 1-2</b>	<b>Ages 3-5</b>	<b>Ages 6-12<sup>(1)</sup></b>
<b>1 Milk</b> ( <i>fluid milk</i> )	½ cup	½ cup	1 cup
<b>1 Fruit/Juice<sup>(2)</sup>/Vegetable</b>	¼ cup	½ cup	¾ cup
<b>1 Grains/Bread<sup>(3)</sup></b> <i>bread or cornbread or biscuit or roll or muffin or cold dry cereal or hot cooked cereal or pasta or noodles or grains</i>	½ slice ½ serving ¼ cup ¼ cup ¼ cup	½ slice ½ serving 1/3 cup ¼ cup ¼ cup	1 slice 1 serving ¾ cup ½ cup ½ cup
<b>1 Meat/Meat Alternate</b> <i>meat or poultry or fish<sup>(4)</sup> or alternate protein product or cheese (no cheese food) or egg<sup>(6)</sup> or cooked dry beans or peas or peanut or other nut or seed butters or nuts and/or seeds or yogurt<sup>(7)</sup></i>	½ oz. ½ oz. ½ oz. ½ egg 1/8 cup 1 tbsps. ½ oz. 2 oz.	½ oz. ½ oz. ½ oz. ½ egg 1/8 cup 1 tbsps. ½ oz. 2 oz.	1 oz. 1 oz. 1 oz. ½ egg ¼ cup 2 tbsps. 1 oz. 4 oz.

**Additional Meal Pattern Guidance:**

- † Children age 12 and older may be served larger portions based on their greater food needs. They may not be served less than the minimum quantities listed in this column.
- † Fruit or vegetable juice must be full-strength. Juice cannot be served when milk is the only other snack component.
- † Breads and grains must be made from whole-grain or enriched meal or flour. Cereal must be whole-grain or enriched or fortified, with 6 grams of sugar or less.
- † A serving consists of the edible portion of cooked lean meat or poultry or fish.
- † Nuts and seeds may meet only one-half of the total meat/meat alternate serving and must be combined with another meat/meat alternate to fulfill the lunch or supper requirement.
- † One-half (1/2) egg meets the required minimum amount (one ounce or less) of meat alternate.
- † Yogurt may be plain or flavored, unsweetened or sweetened.