

# DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

## DIVISION OF FAMILY SERVICES

### OFFICE OF CHILD CARE LICENSING

Statutory Authority: 31 Delaware Code, Section 343 (31 Del.C. §343)

9 DE Admin. Code 101

## PROPOSED

## PUBLIC NOTICE

### 101 DELACARE: Regulations for Early Care and Education and School-Age Centers

## SUMMARY

The Office of Child Care Licensing (OCCL) proposes to amend DELACARE: Regulations for Early Care and Education and School-Age Centers. This proposal includes the following changes:

- Using plain language throughout the regulation;
- Clarification regarding the requirement for lead-paint risk assessments for centers that were built before 1978, including abatement for lead-paint hazards;
- Radon testing, including mitigation if necessary;
- Air quality testing for centers located in building/structure that contains or contained a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality;
- Comprehensive background checks for applicants, licensees, staff members, and volunteers before being alone with children;
- Certified staff at all times to administer medications, as needed;
- Reasonable accommodations for children's medical needs, including administering non-intravenous medication; and
- Suspension and expulsion policies.

Requiring centers to be free of lead and radon hazards and the additional requirement for centers located in a building/structure that contains or contained a business that may result in unacceptable air quality to have the air quality tested protects children's health. Comprehensive background checks and suspension and expulsion policies are required to comply with the Child Development Block Grant Act of 2014. Lastly, by amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act.

## COMMENTS

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at [Kelly.McDowell@state.de.us](mailto:Kelly.McDowell@state.de.us) by the close of business on May 31, 2018. Public hearings will be held in each county on the following dates: May 1, 2018, from 6:30 pm -7:30 pm, at the Bear Library, 101 Governor's Place, Bear, DE Room 1 A & B; April 30, 2018, from 6:30 pm -7:30 pm, at OCCL 821 Silver Lake Blvd. Dover, DE, and May 2, 2018, from 6:30 pm -7:30 pm, at the Milton Library 121 Union St. Milton, DE.

### 101 DELACARE: Regulations for Early Care and Education and School-Age Centers

## INTRODUCTION

### 1.0 Legal Base

The legal base for these licensing regulations is in 31 Delaware Code, Sections 341-345 and 29 Delaware Code, Section 9003(7).

### 2.0 Purpose

The overall purpose of these regulations is the protection and promotion of the health, safety, well-being, and positive development of children who receive services in early care and education and school age centers. These regulations reflect the baseline or minimum standards that shall be expected in Delaware's licensed early care and education and school age centers. All licensed centers shall have the option to exceed the regulations or standards set by the Office of

Child Care Licensing (known hereafter as OCCL) through participation in Delaware Stars for Early Success or the licensee's own initiative. The purpose of these regulations is to protect and support the health, safety, well-being, and positive development of children who receive care in early care and education and school-age centers. These regulations establish minimum standards that licensed centers are required to follow. Licensed centers may exceed the regulations set by the Office of Child Care Licensing (OCCL) by joining Delaware Stars for Early Success or by the licensee's own efforts.

## PART I GENERAL PROVISIONS

### 3.0 Definition of Regulated Service

- 3.1 Early care and education and school-age centers (centers) provide care, education, protection, supervision, or and guidance for 13 or more children, including children who are related to the licensee. Service This service is provided on a regular basis for periods of less than 24 hours per day, unattended by parent or guardian In addition, the parent/guardian is not present, and for compensation centers receive payment for services provided. This definition shall include but is not limited to full- and part-time day care, child care, early care and education, early childhood education, preschool, nursery school, extended child care, independently operated kindergartens, before-or after-school care, school age care, school's out care, school vacation or holiday care, and summer child care. Centers need a license to operate.
- 3.2 Early care and education and school age centers located at public or private schools that are operated by an agency or individual other than a public or private school entity shall be required to be licensed under these regulations. Centers located at schools that are not operated by a public or private school need a license to operate.
- 3.3 The following facilities that operate for less than 24 hours per day shall be exempt from licensure under these regulations not need a license:
  - 3.3.1 Camps Summer camps that provide care for only school-age children and are issued permits by the Division of Public Health or "DPH";
  - 3.3.2 An institution, agency, association, or organization under State of Delaware ownership and control;
  - 3.3.3 Glasses for religious instruction Religion classes conducted by religious institutions during the summer months for periods that do not exceed four weeks;
  - 3.3.4 Programs established in connection with a business, recreation center, or religious institution in which children are provided care for brief periods of time, while parent/guardian is on the premises, are and readily accessible at all times on an on-call basis, and are able to resume control of the child immediately;
  - 3.3.5 Programs that offer activities for school-age children over the age of six who attend at their own discretion on an 'open door' basis, where there is no compensation, payment and where there is no agreement, written or implied, between the program and the parent/guardian for the program to assume responsibility be responsible for the care of the child;
  - 3.3.6 Programs that offer school-age care on an ad hoc, sporadic, and isolated basis in order to meet an emergency or special need or to provide specific skill instruction Programs that offer school-age care on a limited basis in order to meet an emergency need; or
  - 3.3.7 Businesses that solely provide lessons, classes, or activities such as tutoring, music, dance, sport, or art;
  - 3.3.8 A public or private school that provides regular and thorough instruction through at least the sixth grade in the subjects prescribed for the schools of the State, in a manner suitable to the children of the same age and stage of advancement, and that reports to the State Board of Education pursuant to 14 Delaware Code, Section 2704. This exclusion shall include all programs operated by these schools, except as stated in Section 7.2, and shall also include preschool education programs for people with disabilities as defined by 14 Delaware Code, Section 3101(4) A public or private school that provides education in the subjects prescribed for the schools of the State. This school reports to the State Board of Education pursuant to 14 Delaware Code, Section 2704. This exclusion includes programs and preschool education programs for people with disabilities as defined by 14 Delaware Code, Section 3101(4) operated by these schools, except as stated in subsection 7.2.
- 3.4 A person, organization, or entity shall not operate a center or provide child care services as defined in these regulations unless issued a license to do so is issued by the OCCL. Anyone who violates a provision of 31 Delaware Code, Sections 341-345, known as The Delaware Child Care Act, may not be fined not more than \$100 or imprisoned not more than three months, or both.
  - 3.4.1 To maintain licensure, licensees must follow these regulations and applicable provisions of the Delaware Code. Failure to do so may result in a corrective action plan or enforcement action, such as warning of probation, probation, suspension, revocation, or denial of a license application. A licensee may request an

appeal of a pending enforcement action by requesting a hearing within 10 business days of notification of the OCCL's decision to impose the action.

#### 4.0 Definition of Terms

The following words and terms when used in these regulations have the following meaning unless the context clearly indicates otherwise:

**Administration of Medication certificate** means a document issued by OCCL that gives permission for a staff member to administer medication to children in care.

**Administrative hearing** or "appeal hearing" means the hearing provided to a licensee or applicant when the licensee or applicant requests an appeal of OCCL's decision to place the facility on the enforcement action of warning of probation, probation, or to suspend or revoke a license, or deny a license application by presenting evidence to contest the action. A licensee or applicant, at their expense, may appeal hearing decisions for suspensions, revocations and denials to Delaware Superior Court for a final review.

**Administrator** means the individual person responsible for the supervision and administration of the OCCL.

**Adult** means a person who has reached the age of 18 years.

**Administrative hearing** (also known as "appeal hearing") means the hearing provided to a licensee or applicant when the licensee or applicant requests an appeal of the OCCL's decision to place the facility on the enforcement action of warning of probation, probation, or to suspend or revoke a license, or deny a license application by presenting evidence to contest the action. A licensee or applicant, at their expense, may appeal hearing decisions of license revocations and license application denials to the Delaware Superior Court for a final review.

**Agreement of Understanding** means a formal written document that is part of a corrective action plan or used when deemed necessary to ensure regulation compliance.

**Applicant** means the individual, president of the corporation, managing member of the Limited Liability Corporation or Company "LLC," or entity that is responsible for and has authority over the operation of the center.

**Background check** means a State of Delaware and federal (national) fingerprinted report of a person's entire criminal history including a search of the Department's child abuse and neglect records, and a search of the Department of Health and Social Services' adult abuse registry, or other checks as required by State or federal law.

**Business day** means a weekday Monday through Friday not including the weekend (Saturday and Sunday) or a State of Delaware legal holiday holidays that falls fall on a weekday.

**Center** means the licensed early care and education or school-age center.

**Child** means a person who has not reached the age of 18 years.

**Child abuse** means causes or inflicts sexual abuse on a child; or a person that has care, custody, or control of a child and causes or inflicts physical injury through unjustified force, emotional abuse, torture, exploitation, maltreatment or mistreatment as defined in 10 **Delaware Code**, Section 901.

**Child care** also known as "early care and education" means the providing of care, education, protection, supervision, or guidance of children.

**Child care licensing specialist** also known as or "licensing specialist" means an OCCL employee of the OCCL who is responsible for performing regulatory activities including monitoring child care facilities, investigations investigating complaints, monitoring the need for enforcement actions, and decisions making recommendations for licensure as set forth in Delaware Code and these regulations.

**Child care licensing supervisor** also known as "licensing supervisor" means an employee of the OCCL who is responsible for performing supervisory and regulatory actions including monitoring, investigations, enforcement actions, and decisions for licensure as set forth in Delaware Code and these regulations or **licensing supervisor** means an OCCL employee who is responsible for supervising licensing specialists. This person ensures licensing specialists are performing regulatory activities and approves complaint investigations, enforcement actions, and licenses.

**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 10 **Delaware Code**, Section 901.

**Child sex abuse** means an act against a child that is described as a sex offense or child exploitation as defined in 11 **Delaware Code** Section 8550(2).

**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 or impairment which would

require modifications in the regular program of activities for that child at a center as listed in an individual education program "IEP," individualized family service plan "IFSP" or as defined by applicable federal and State laws.

**"CHU"** means the Office of Child Care Licensing's Criminal History Unit.

**"Clock hour(s)"** means the actual number of hours or time a participant person spends attending the instructional portion of training designed to develop or enhance early care and education or school-age care competencies child care skills.

**"Complaint investigation"** means the process followed by the division to investigate effectively accusations that a licensee is does not in compliance comply with these regulations or applicable laws.

**"Comprehensive Background check"** means a State of Delaware and federal (national) fingerprinted report of a person's entire criminal history including a search of the National Crime Information Center's National Sex Offender Registry; and a search of state criminal, sex offender, and child abuse and neglect registries, repositories, or databases in the state where the person resides, and in each state in which he or she resided during the past five years. Once the State of Delaware and federal criminal history record check have been completed and eligibility determined, staff members may be present and supervised in the center. Qualified staff members may not be left alone with children until OCCL reviews the comprehensive background check, determines eligibility, and approves the person.

**"Conference"** means a meeting between OCCL and a licensee to discuss non-compliance of a serious or repeated nature. At a conference, a licensee may also dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint or other visit, or discuss the denial of a variance request.

**"Core topic areas or core areas"** means training in child development; developmental curriculum planning/ environment and curriculum; positive behavior management /social-emotional development; observation and assessment; health, safety, physical activity, and nutrition; family and community; professionalism; and or management and administration.

**"Corrective action plan"** means a written document listing non-compliance that a licensee must be corrected correct, how it must be corrected to correct it, and the date by which it must be corrected OCCL requires the corrections to be completed.

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

**"Denial"** means the process of refusing to grant a license after receipt of an application. This constitutes refusal of official permission to operate.

**"Department"** means the Department of Services for Children, Youth and Their Families.

**"Designated representative"** means the person who has been assigned by the licensee/organization/corporation to act on behalf of the licensee/organization/corporation and granted authority over program operations and to represent the licensee/organization/corporation in dealings with the OCCL. means the individual owner or the person with authority to sign the application on behalf of the corporation or Limited Liability Company.

**"DHSS"** means the Delaware Department of Health and Social Services.

**"Direct child care"** means the providing of care, education, protection, supervision, or guidance of children.

**"Direct observation"** (of children or staff members) means that staff members are physically present in the same room or area with children or other staff members, are visually monitoring the interactions of children or staff members, and are alert to problems that may occur.

**"Direct voice contact"** means a licensee or staff member is required to speak directly with a an OCCL licensing specialist, licensing supervisor, or administrator from the OCCL through a phone call by calling or face-to-face contact visiting OCCL. When direct voice contact is required, leaving a voice mail message is not acceptable.

**"Division"** means the Division of Family Services within the department.

**"Division director"** means the director of the Division of Family Services.

**"DOE"** means the Delaware Department of Education.

**"DPH"** means the Delaware Division of Public Health.

**"Early care and education"** also known as "child care" means the care, education, protection, supervision, or guidance of children beginning at birth.

**"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 This person approves curriculum, and when When also serving as the early

childhood curriculum coordinator, this person develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. ~~The early childhood administrator~~ This person supervises all staff members and meets the qualifications specified listed in these regulations.

**“Early childhood aide”** means a staff member who performs direct child care functions and related duties in this time-limited entry level position. This person works under the supervision of at least an early childhood teacher and the direct observation of at least an early childhood assistant teacher or early childhood caregiver. This person has not completed the approved training required for the position of early childhood intern, and can never be alone with children, and This person meets the qualifications specified listed in these regulations.

**“Early childhood assistant teacher”** means a staff member who performs direct child care functions and related duties. This person works under the supervision of at least an early childhood teacher and assists in the implementation of curriculum. This individual person may supervise early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified listed in these regulations.

**“Early childhood caregiver”** means a staff member who was formerly qualified as a caregiver at a particular center licensed before the effective date of the January 1, 2007, regulations or only transfers This person may transfer to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center and has qualified for this position that is owned by the same licensee. This individual person works under the supervision of at least an early childhood teacher, and This person performs direct child care functions and related duties and assists in the implementation of curriculum. This individual person may supervise early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified listed in these regulations.

**“Early childhood curriculum coordinator”** means a staff member who works under the supervision of the early childhood administrator and may be responsible for the direct care, supervision, guidance, and education of children at the center. ~~The early childhood curriculum coordinator~~ This person develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. This individual person may supervise early childhood teachers, early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified listed in these regulations.

**“Early childhood curriculum coordinator without a degree”** means a staff member who may fill this position provided that if the early childhood administrator is fully qualified as described in these regulations with has at least a bachelor's or associate associate's degree from a regionally accredited college or university. This individual person may be responsible for the direct care, supervision, guidance, and education of children at the center. ~~The early childhood curriculum coordinator without a degree~~ This person develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. This individual person may supervise early childhood teachers, early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified listed in these regulations.

**“Early childhood intern”** means a staff member who performs direct child care functions and related duties, and This person 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. This individual person can be alone with children as specified listed in these regulations, and This person meets the qualifications specified listed in these regulations.

**“Early childhood teacher”** means a staff member who performs direct child care functions and related duties, This person 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~~ This person implements the curriculum and daily activities for a group of children. ~~The early childhood teacher~~ This person may supervise early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified listed in these regulations.

**“Enforcement action”** means an administrative action or group of actions taken to promote compliance, such as warning of probation, probation, suspension, revocation, or denial of a license application.

**“Experience”** means the practical knowledge or skill gained from documented direct participation in working with children birth through second grade in a group setting for early care and education positions or with children kindergarten through sixth grade in a group setting for school-age positions.

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

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

**"Governing body"** means the person or group of people with ultimate responsibility for and authority over the operation of a center, as for example, an owner or Board of Directors.

**"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.

**"Hazardous material"** means any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

**"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 or nurse practitioners, and physician assistants.

**"Individualized educational program"** or IEP means a document written at least yearly about the required services and education program, usually for a child three years of age or older with an identified disability.

**"Individualized family service plan"** or IFSP means a document written at least yearly about the required services for an infant or toddler (ages 0-two years) with an identified disability.

**"Infant"** means a child who is less than one year old.

**"Institutional abuse"** means a child is the subject of abuse or neglect as defined in **Delaware Code**, Title 10, Chapter 9, Section 901 while in out of home care.

**"License"** means the document issued by the OCCL granting authority to a licensee at the center's location to operate under applicable State laws.

**"Licensee"** means the owner or entity legally responsible for a licensed center.

**"License extension"** means the process by which the period of lengthening an annual license is lengthened by an additional month because all conditions to issue an annual license have not been met and are not in the control of the licensee.

**"Licensing conference"** means a meeting between the OCCL and the licensee to discuss non-compliance of a serious or repeated nature, which, if not corrected on time under the terms of a corrective action plan or Agreement of Understanding and in an acceptable manner that meets the intent of these regulations, may result in an enforcement action. A licensing conference can also be used by a licensee to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint, or other monitoring visit, or to discuss the denial of a variance request.

**"Licensure"** means the issuing of OCCL issued a child care license by the OCCL when the applicant has demonstrated compliance with these regulations and applicable codes, regulations, and laws.

**"Meal"** means breakfast, lunch, or dinner.

**"Night care"** means care for a child between the hours of 8 p.m. and 6 a.m. when the period includes a portion of the child's normal sleeping hours.

**"NRTL"** means a Nationally Recognized Testing Laboratory, recognized by the Occupational Safety and Health Administration or "OSHA" to test products to applicable product safety standards, such as Underwriter's Laboratories, Inc.

**"Office of Child Care Licensing"** or **"OCCL"** means the organization within the department authorized under 31 **Delaware Code**, Sections 341-345 to promulgate and enforce regulations and standards for the conduct of child care, including the licensing thereof, and the development and implementation of policies and procedures means the agency within the department authorized under 31 **Delaware Code**, Sections 341-345 to promulgate and enforce regulations for child care, to license child care facilities, and to develop and implement policies and procedures.

**"Overnight care"** means care for a child between the hours of 10 p.m. and 6 a.m. when the period includes a portion of the child's normal sleeping hours..

**"Parent/Guardian"** means a birth or adoptive parent, legal guardian, or other person having responsibility for, or legal custody of, a child.

**"Plan review"** means the document submitted to and approved by the OCCL for approval by an applicant requesting opening of to open a new center or by a licensee for an expansion or renovation of a licensed building's indoor or outdoor space to ensure compliance with these regulations.

**"Policy"** means an organized plan that is designed to determine and guide decisions, actions, and other matters, and is Policies are reviewed and updated at least yearly. When changes are made, the updated information must be given to the appropriate people.

**"Preschool-age child"** means a child three through five years of age who is not yet attending a public or private kindergarten program. If a child is older than five 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, whichever comes first means a child age three through five who is not yet attending kindergarten or a higher grade. If a child is older than age five and is not yet attending kindergarten or a higher grade, OCCL considers that child in the preschool-age group.

**"Probation"** means a written notice of a specific enforcement action initiated by the OCCL and approved by the division director, which directs the licensee to correct all non-compliances and maintain compliance or face revocation or denial of the license application means an enforcement action initiated by OCCL because of non-compliance with these regulations. The division director approves this action. This action directs the licensee to correct all non-compliances and maintain compliance or face revocation or denial.

**"Professional development"** means the essential knowledge and skills to develop or enhance generally accepted competencies in the early care and education and school age field means improving and increasing abilities of staff members through access to education and training opportunities, either in the workplace or through outside organizations.

**"Provisional license"** means a license issued for a maximum period of three months when the licensee is temporarily unable to comply with DELACARE Regulations and when there is no serious risk to the health, safety, and well-being of children and the licensee has agreed to fulfill and operate under conditions as stated in a corrective action plan or an Agreement of Understanding. An extension beyond this time period requires the approval of the administrator. A licensee may not operate on a provisional license for more than 12 consecutive months means a license issued for a maximum period of three months when the licensee is temporarily unable to comply with these regulations. This can be when there is no serious risk to the health, safety, and well-being of children. The licensee has agreed to comply with a corrective action plan or an agreement of understanding. An extension beyond this time requires administrator approval. A licensee may not operate on a provisional license for more than 12 consecutive months.

**"Quality-assured training"** means training of the highest quality that is monitored to ensure that the content of the training is research-based and aligned with State standards for the field.

**"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 day in a week.

**"Regulation"** means a baseline or the minimum standard required for a particular aspect of child care, set forth in Delaware Administrative Code as established by the OCCL, and known as Delacare: Regulations for Early Care and Education and School-Age Centers.

**"Revocation"** means the process of rescinding canceling a license during the license's effective dates of a license withdrawing official permission to operate.

**"Routine program outing"** means an activity occurring at least weekly for children that appears on the posted classroom activity schedule and involves children leaving the center's premises, such as a routine walk to a playground or a walk around the block.

**"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 including, when applicable, the administrative aspects. The school age administrator This person approves curriculum and also, when not assigning such duties to a school-age site coordinator, develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the school-age center. The school age administrator This person supervises all school-age staff members and meets the qualifications specified listed in these regulations.

**"School-age aide"** means a staff member of a school-age center who performs direct child care functions and related duties in this time-limited, entry level position, who This person works under the supervision of at least a school-age site coordinator and the direct supervision of at least a school-age site assistant, This person has not completed the approved training required for the position of school-age intern, can never be alone with children, and meets the qualifications specified listed in these regulations. This person will only count in staff/child ratios during the first year of employment at a center.

**"School-age care"** means care, education, protection, supervision, or guidance for school-age children before or after-school, during school holidays, or during summer months.

**"School-age center"** means a center that exclusively provides care for school-age children.

**"School-age child"** means a child who is attending kindergarten or a higher grade. A child shall be considered school age for staff/child ratio purposes beginning the first day of attending kindergarten or first grade, whichever comes first means a child who attends or has attended kindergarten or a higher grade.

**"School-age intern"** means a staff member of a school-age center who performs direct child care functions and related duties. This person 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. This individual person works under the direct observation of at least a school-age site assistant, can be alone with children as specified listed in these regulations, and meets the qualifications specified listed in these regulations.

**"School-age site assistant"** means a staff member of a school-age center who performs direct child care functions and related duties. This person works under the supervision of at least a school-age site coordinator, and assists in the implementation of curriculum. ~~The school-age site assistant who~~ This person is designated as responsible for the school-age center and may supervise school-age interns, school-age aides, volunteers, and substitutes, and This person meets the qualifications specified listed in these regulations.

**"School-age site coordinator"** means a staff member of a school-age center who performs direct child care functions and related duties. This person 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~~ This person implements curriculum and daily activities for children at the school-age center. Also, when assigned such duties, ~~the school-age site coordinator~~ This person develops and evaluates curriculum, and monitors implementation of curriculum. ~~The school-age site coordinator~~ This person may supervise school-age site assistants, school-age interns, school-age aides, volunteers, and substitutes and meets the qualifications specified listed in these regulations.

**"Secretary"** means the Secretary of the Department of Services for Children, Youth and Their Families.

**"Section 504 Plan"** means a document describing accommodations provided to a child with a disability to ensure full participation at the center.

**"Serious injury"** means any impact or injury to a child's head or any physical injury, which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of a body part.

**"Service Letters"** as required by the Delaware Department of Labor, 19 **Delaware Code**, Section 708, shall be sent to an employee's current or last employer and all previous child care and health care employers for the past five years before the first day of employment or, if applicable, volunteering.

**"Snack"** means supplemental food served between meals.

**"Staff or staff member"** means a full- or part-time employee of a center including all substitutes and any volunteer working over five days or 40 hours a year.

**"Substitute"** means a paid staff member who is temporarily filling in for a position during the absence of a permanent staff member, and This person 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. If not qualified to be alone with children, the substitute shall work under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant.

**"Successful completion"** means earning at least a grade of C or its equivalent in early childhood education or child development course work from a regionally accredited college or university or completion of a quality-assured training course.

**"Supervised experience"** means successful completion of the process specified by the OCCL to reduce the amount of experience required to qualify for designated certain early childhood and school-age positions.

**"Supervision of children"** means the appropriate correct number of staff members are physically present in the area or room, including outside, where with children, are being cared for and are Supervision includes providing watchful oversight and timely attention to children's actions and needs.

**"Supervision of staff"** means performing monitoring and evaluation functions of assigned staff, which includes the observation of interactions of assigned staff members with children and families, and staff's adherence to these regulations, and the center's policies and procedures. When performing monitoring functions, supervisory staff members shall be physically present in the same room or area as assigned staff members and directly observe staff to monitor on-going interaction with children.

**"Suspension order"** means a notice issued by the OCCL directing that a center's services be discontinued as of a specified date with no services to children provided during the term of the suspension order, and that the license to operate a center has been suspended means a notice issued by OCCL directing a center's child care services to stop as of a specific date. While the license is suspended, a licensee may not provide child care.

**"Toddler"** means a child who is between the age of over 12 months old and less than under 36 months of age old.

**"Training"** means an organized professional development activity that is approved or accepted by the OCCL as designed to develop or enhance the early care and education or school-age competencies.

**"Variance"** means the nontransferable written authorization issued by the division to use alternative means which meet the intent of the specific licensing regulation and is based on the need or circumstance of the center and does not endanger the health, safety, or well-being of children in care means OCCL's approval for a licensee to meet the intent of a specific licensing regulation in a way that is different from the way the regulation specifies. OCCL will only give this approval when the change will not endanger the health, safety, or well-being of children in care.

**"Volunteer"** means a person who provides an unpaid service or support to a center. A volunteer 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. If not qualified to be alone with children and working with children, a volunteer shall work under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant.

**"Warning of probation"** means a written notice of a specific enforcement action initiated by the OCCL and approved by the administrator of OCCL, intended to alert the facility that it has committed or accumulated sufficient serious violations of these regulations which, if not promptly corrected, could lead to a recommendation to place the facility on probation or other enforcement action means an enforcement action initiated by OCCL because of non-compliance with these regulations. OCCL's administrator approves this action. This action directs a licensee to correct all non-compliances and maintain compliance or face probation or other enforcement action.

## **5.0 Issuance of a License**

To operate or maintain a center, an agency, corporation, partnership, or individual must be issued a license. This license remains the property of the OCCL, is not transferable, assignable or subject to sale, and must be publicly displayed. A license shall be issued only to the center for which an application is made and for the address of the center's actual site once the applicant has successfully completed the application process and the OCCL has determined compliance with these regulations and applicable provisions of Delaware Code. When a facility or program is sold, leased, discontinued, moved to a new location, or when the license has been revoked, the current license immediately becomes null and void. In order for OCCL to grant a license, the applicant must successfully complete the application process according to OCCL's procedures. OCCL must determine compliance with these regulations and applicable parts of the Delaware Code. To operate a center, OCCL must issue a license for the site address listed on the application. This license remains the property of OCCL and is not transferable or subject to sale. A licensee must post the license. When a center is sold, closes, or relocates, or when the license has been suspended or revoked, the license immediately becomes void.

## **6.0 Authority to Inspect**

- 6.1 An applicant or licensee must allow access to the premises for announced or unannounced monitoring visits and complaint investigations. Access must also be allowed to information, files, or other documents relevant to determining regulation compliance by an authorized representative of the OCCL, a State agency, or a local building, fire or health agency. The purpose of access will be to determine compliance with applicable provisions of these regulations. A licensee must allow access to the center during the hours of operation. This includes access to information, files, and documents needed to determine compliance. Access shall be granted to officials from OCCL and other State and local agencies to determine compliance with applicable codes, regulations, or laws. Agencies providing payment for child care services shall also be granted access.
- 6.2 The licensee or any other individual shall permit and shall not impede the interviewing of the licensee, any staff member or substitute, any child in care, and the parent/guardian of a child in care by representatives of the OCCL and other authorized State or local officials. The purpose of all interviews will be to determine regulation compliance or investigate complaints of non-conformity with applicable provisions of these regulations and any other applicable codes, regulations, or laws. The licensee and others at the center shall permit and not hinder officials from OCCL and other authorized State and local officials from interviewing the licensee, staff members, substitutes, children in care, or children's parents/guardians. Interviews will occur to determine compliance with applicable codes, regulations, or laws.
- 6.3 A licensee may request a licensing conference to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint, or other monitoring visit. A licensee may request a conference with a licensing supervisor to dispute citations of regulation non-compliance. These citations may have occurred during a compliance review, complaint investigation, or other visit.

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

- 7.1 A separate application shall be made for each center's address. A separate license is not required for a center that operates in two or more buildings at the same address.

7.2 An agency or individual who operates an early care and education or school age center at a public or private school but is not employed by the school shall be required to obtain a license for each center address. If not employed by the school, an agency or individual who operates a center at a public or private school shall be required to obtain a license.

## **8.0 License Renewal**

A licensee shall obtain, complete, and submit an application for a license renewal to the OCCL at least 60 calendar days before the expiration of the center's current license. When a licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the OCCL makes a decision on the renewal application. A licensee shall submit a completed license renewal application to OCCL at least 60 days before the current license expires. Applications received less than 60 days before the license expiration are late. When a licensee submits an application on time, the existing license shall not expire until OCCL makes a decision on the renewal application. When a licensee submits an application after the license expires, once approved, the new license will start the date OCCL received the application. An annual or provisional license may be issued after a licensing specialist completes a compliance review.

## **9.0 Changes Affecting a License**

A licensee shall inform the OCCL before a planned change to the indoor or outdoor spaces of the center and receive approval for the proposed change. The OCCL shall determine whether to modify a current license or to require the licensee to submit an application for a new license or submit a revised plan review when there is planned construction or a reduction, addition or other change in the indoor areas/classrooms or outdoor spaces of the center, a change in the name or capacity of the center, or a change in the type of authorized regulated service. A licensee shall inform OCCL before changing the indoor or outdoor spaces of the center. OCCL shall require the licensee to submit a revised plan review and receive approval before making additions, renovations, or other changes in the indoor areas/classrooms or outdoor spaces of the center. Before the new or changed area is used, the center must first receive OCCL's approval. OCCL shall require a new application for a change in the name of the center or a change in the type of authorized regulated service.

## **10.0 License Suspension**

10.1 The OCCL may immediately suspend a license if the health, safety, or well-being of children in care is in serious or imminent danger. A suspension order may be verbal or written and requires the licensee to cease operation as required by the OCCL to stop providing child care. A OCCL will send written follow-up to a verbal suspension order shall be followed by a written suspension order within three business days. A written suspension order shall state the reason or reasons for the enforcement action.

10.2 Within 10 business days after the issuance of OCCL issuing the written order, the licensee must relinquish the child care license (if applicable) to the OCCL choose to close permanently, remain suspended until the reason for the suspension has been corrected, or remain suspended and request a hearing.

10.3 The hearing shall be scheduled and conducted within 10 business days of the licensee's request for a hearing by a hearing officer with no previous involvement in the matter prompting the hearing to determine if the suspension will continue. Extensions of time and continuances beyond the times specified shall be granted by the designated hearing officer only for good cause. The hearing shall be scheduled and held within 10 business days of the licensee's request for a hearing. A hearing officer with no previous involvement in the matter will be assigned. The hearing officer may allow hearing delays only for good cause.

10.4 A licensee dissatisfied with the department's decision for suspension may file an appeal within 30 business days after the mailing or delivery of the decision notice. This licensee appeals to the Office of the Prothonotary in Delaware Superior Court in the county where the home is located. A licensee shall supply a copy of the appeal to OCCL. The licensee pays for this appeal.

## **11.0 Denial of a License Application or Revocation**

11.1 The division may deny a license application or revoke a license to operate for failure to follow these regulations or a federal, State, or local law. An effort to falsify information provided to the department shall be considered evidence of a violation of these regulations on the part of the licensee or staff member of the child care facility and may constitute a cause for revoking a license or denying a license application. The division shall notify the licensee in writing of its intent to deny a license application or revoke a license, stating the reason or reasons for the enforcement action, and specify the licensee's entitlement to appeal the decision and request a hearing. The division may deny a license application or revoke a license for failure to follow these regulations or a federal, State, or local law. An effort to give false information to OCCL by the licensee or staff member of the center may result in revocation or denial. The division shall notify the licensee in writing of the reasons it intends to deny a license application or revoke a license. This letter will describe how a licensee can appeal the decision by requesting a hearing.

- 11.1.1 Within 10 business days after receipt of receiving the written notice, the licensee must request a hearing or accept the denial or revocation and close within the time-frame indicated listed in the notice.
- 11.1.2 The hearing must be held within 30 days of the initial hearing request by a hearing officer with no previous involvement in the matter prompting the hearing. Continuances beyond the times specified shall be granted by the designated hearing officer only for good cause. The hearing must be held within 30 days of the hearing request. The department will assign a hearing officer with no previous involvement in the matter. The hearing officer may allow delays only for good cause.
- 11.1.3 The licensee whose When a license has been revoked or applicant whose an application has been denied, the licensee or applicant may not apply for a license from the OCCL within a three year period for three years from the date that the revocation or denial was upheld. A facility's designated representative, early childhood administrator, or school-age administrator will not be issued a license during this three-year period.
- 11.2 If a licensee requests an administrative hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered after the administrative hearing; except that the OCCL 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. If a licensee requests an administrative hearing in a timely manner, its existing license shall be valid until the department provides a written decision after the hearing. However, OCCL may suspend a license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.
- 11.3 If a licensee does not make a timely request for an administrative a hearing in accordance with Subsection as stated in subsection 11.1.1, the action to deny a license application or revoke a license denial or revocation shall take effect 30 calendar days after the issuance of OCCL issued the notice. However, if the health, safety, or well-being of children in care is in serious or imminent danger, the OCCL shall suspend the license immediately.
  - 11.3.1 An applicant or licensee who is dissatisfied with the decision of the Department as a result of the hearing provided for revocation or license application denials may within 30 business days after the mailing or service of the decision notice, file a notice of appeal at the expense of the provider to the Delaware Superior Court in the office of the Prothonotary of the Superior Court of the county in which the child care facility is located or to be located, and serve a copy of the notice of appeal upon the Department. After a hearing, an applicant or licensee who is dissatisfied with the department's decision from a revocation or denial hearing, may file an appeal within 30 business days of receiving the decision notice. The applicant or licensee appeals to the Office of the Prothonotary in Delaware Superior Court in the county where the child care facility is located or is to be located. The applicant or licensee shall supply a copy of the appeal to OCCL. The applicant or licensee pays for this appeal.
  - 11.3.2 The final decision of the Secretary secretary will remain in place during the appeal process unless otherwise ordered by the Court court pursuant to 29 Delaware Code, Section 10144.

## 12.0 Regulation Variance

All regulations must be complied with in their entirety unless the applicant or licensee submits a written request for a regulation variance to the OCCL and receives approval. The variance request must document to the satisfaction of the division that the intent of the specific regulation shall be achieved in a manner other than that prescribed by the regulation and that the health, safety, and well-being of children in care will be preserved. The licensee shall maintain proof of the variance approval and make it available on request. If the licensee fails to comply with the variance, the division shall void the variance and require the site to become compliant with the regulation. A licensee must comply with all regulations unless a licensee requests a variance from OCCL and receives approval. The written variance request must describe how a licensee will meet the intent of a specific regulation in a way that is different from the way the regulation states. The change shall not endanger the health, safety, or well-being of children in care. A licensee shall keep the variance approval and make it available on request. If the licensee fails to comply with the variance, OCCL shall cancel the variance and require the site to comply as the regulation states.

## PART II ADMINISTRATION AND ORGANIZATION

### 13.0 Notification to the Office of Child Care Licensing

- 13.1 A licensee shall ensure that the OCCL is notified notify OCCL in writing at least 90 consecutive calendar days before the anticipated expected closing of the facility or program center or a change of ownership, sponsorship, location, facility or program center name, licensed capacity, or applicable type of regulated service being provided.

13.2 A licensee shall ensure that the OCCL is notified within five business days of the resignation, termination, transfer, or hiring of the early childhood or school-age administrator, early childhood curriculum coordinator, or school-age site coordinator. OCCL shall be notified within five business days of the death of the licensee.

13.3 A licensee shall ensure that the OCCL is notified within one business day by direct voice contact (followed by a written report within three business days) during the OCCL's working hours. A licensee shall ensure OCCL is called within one business day Monday-Friday from 8:00 AM to 4:30 PM (leaving a message is not acceptable) and follow this call with a written report within three business days, in the event of:

- 13.3.1 A fire, flood, or other damage due to a natural or man-made disaster(s) that impacts affects the ability to operate safely;
- 13.3.2 Injury of a child while in the care of a center when the center is informed the child required medical/dental treatment other than any first aid provided at the center. A child in care is injured at the center and required medical/dental treatment other than first aid provided at the center;
- 13.3.3 Suspected abuse or neglect of a child while at the center (after reporting the suspected abuse or neglect suspicion to the 24-Hour Child Abuse Report Line, currently listed as 1-800-292-9582);
- 13.3.4 A known arrest or conviction of a staff member including those which prohibit continued employment at the center or licensee; or
- 13.3.5 An adverse effect or medication error, when known to the center, that results in medical treatment. A child had a reaction to medication requiring medical treatment or received medical treatment because of a medication error (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route).
- 13.3.6 A child is abducted or missing; or
- 13.3.7 An equipment breakdown that threatens the health and safety of children in care, including but not limited to lack of working toilets, interruption of running water, loss of phone service or power, smoke/fire alarm system failure, and heating or air-conditioning failure.

13.4 A licensee shall ensure that the OCCL is immediately notified by direct voice contact during the OCCL's working hours of the death of called Monday-Friday from 8:00 AM to 4:30 PM if a child dies while in care. Leaving a message is not acceptable. If a death occurs after such working these hours, the licensee shall immediately call the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).

13.5 Telephone calls from the OCCL requiring a response from the licensee or staff must be returned within two business days.

#### **14.0 Governing Body**

14.1 A licensee shall have an identifiable owner or functioning governing body with responsibility for and authority over the operation of the center. The owner or governing body shall designate a qualified person to function as the center's early childhood or school-age administrator of the center.

14.2 The center's owner or governing body of a center shall ensure that the licensee and its employees follow all applicable federal, State, local laws and regulations, including, but not limited to, the Americans with Disabilities Act, and Delaware equal accommodations statutes, and have a State business license.

14.3 A licensee shall have an organized system of business management and have sufficient staff, space, and equipment to fulfill, at a minimum, administrative, fiscal, clerical, cleaning, maintenance, food services, direct child care, and supervisory functions.

#### **15.0 Insurance Coverage**

A licensee shall secure and maintain on file written have documentation of motor vehicle (if applicable), comprehensive general liability insurance, and other insurance as required by State law.

#### **16.0 Records**

16.1 A licensee shall maintain files and keep paper or electronic records applicable to licensing and have them accessible and available on-site for OCCL's review by OCCL at all times.

16.2 A licensee shall establish have and use a system for documenting attendance at arrival and departure. This system shall verify the location of individual children when a child does not remain with the entire class. These daily child attendance records A licensee shall be retained keep these records for a minimum period of at least three months.

16.3 A licensee shall keep a written or electronic record of the daily work assignment and hours of each staff member to ensure this individual's whereabouts and classroom assignment, and retain these records for a minimum period of three months. A licensee shall keep a daily written or electronic record of each staff member's exact hours worked in each classroom or area. A licensee shall keep these records for at least three months.

## 17.0 Enrollment

17.1 A licensee shall ensure that the daily population at the center is in accordance with the capacity restrictions on the center's license. A licensee shall ensure the number of children at the center does not exceed the licensed capacity.

17.2 A licensee shall provide a prospective purchaser of care parent/guardian with information detailing about the individual's person's right to inspect see the active center's licensing record and complaint files of the center as described stated in 31 Delaware Code, Section 398. As a part of the enrollment or application inquiry process, the licensee shall require the parent/guardian of children who are enrolled to read and sign *The Parents Right to Know Act* form and keep the signed document form on file at the center. A copy of the signed document form shall be given to the parent/guardian. In the event that the parent/guardian does not enroll the child, the signed document shall be kept on file for a minimum period of at least three months as proof of presenting the information.

17.3 A child shall attend the center only when the information listed in Section 19.0 18.0 is obtained from the parent/guardian, and placed in the child's on-site confidential file, and updated regularly.

17.4 A licensee shall ensure that enrollment procedures involve a meeting with the parent/guardian and the child, when possible, to:

- 17.4.1 Determine if the center's program can effectively meet the child's developmental and educational needs and abilities and to determine the accommodations or other planning needed to do so; and
- 17.4.2 Provide an opportunity for the parent/guardian and child to observe the center and program.

## 18.0 Release of Children

18.1 A licensee shall provide written policies and procedures for the routine and emergency release of children, including the following, to the parent/guardian of children in attendance, staff, substitutes, and volunteers:

- 18.1.1 Procedures to follow documenting that the release of a child from the responsibility of center staff shall only be to a person authorized by the parent/guardian;
- 18.1.2 Procedures to follow for requiring photo identification for individuals unknown to the center who are identified as authorized releases, except for bus drivers contracted by the child's school;
- 18.1.3 Procedures to follow when a person not authorized to receive a child, or when a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child; and
- 18.1.4 Procedures to follow for handling situations in which a non custodial parent attempts to claim the child without the consent of the custodial parent/guardian.

## 19.018.0 Child Files

19.118.1 A licensee shall have an on-site confidential file for each child at enrollment, and an established A licensee shall have a procedure to ensure that each child's information supplied by a parent/guardian is maintained and is kept current and available to staff members responsible for a particular child on a need-to-know basis. This file shall be available upon request for at least three months after disenrollment. Except as noted, all file contents are required at enrollment and shall include the following:

- 19.1.118.1.1 The child's first/last Child's first and last name, date of birth, address, and telephone numbers including parents'/guardians' home and parents'/guardians' cell phone numbers, if applicable;
- 19.1.218.1.2 Parents'/guardians' name(s), place(s) and hours of employment, and work phone number(s), if applicable;
- 19.1.318.1.3 Emergency telephone Names and emergency phone numbers for at least two individuals authorized for release of people approved to pick up the child;
- 19.1.418.1.4 Name and telephone phone number of the child's health care provider;
- 19.1.518.1.5 Health appraisal and immunization record (or notarized religious or medical exemption from immunization) on file at the center within 30 calendar days of enrollment;
- 19.1.618.1.6 First and last names of all people authorized approved to pick the child up from the center;
- 19.1.718.1.7 If applicable, relevant copies of court orders on custody and visitation arrangements provided by the parent/guardian;

19.1.818.1.8 Date of enrollment, hours/days child is scheduled to attend the center, and date of termination of enrollment disenrollment, if applicable;

19.1.918.1.9 If provided by the parent/guardian, a statement of the child's medical, developmental, or educational special needs including copies of an IEP, IFSP and Section 504 plan and information on any allergies, existing current illnesses or injuries, previous serious illnesses or injuries, and all prescription and non-prescription medication needed medications;

19.1.1018.1.10 Written authorizations approvals from parent/guardian for: emergency medical treatment, release of child, and if applicable, special dietary needs, swimming activities, administration of medication, television and computer use of electronics, sleeping on a mat as described in subsection 41.2.3 and transporting the child on a routine or off-premises basis;

19.1.1118.1.11 If applicable, administration of medication records of a child and accident and injury reports, including copies of reports submitted to the OCCL as required by these regulations; and

19.1.1218.1.12 Parent/Guardian signature forms as required by federal, State, or local governments or the OCCL, such as receipt of information specified in *The Parents Right to Know Act* *The Parents Right to Know form* signed by the child's parent/guardian.

18.2 A licensee shall not give out or allow the use of a child/family's information without written permission from the parent/guardian to do so, unless required by employees of OCCL, the division, or other agencies with statutory responsibilities for issues relating to the health, safety, and well-being of children.

## **20.019.0 Personnel Files**

20.119.1 A licensee shall have a personnel an on-site confidential file for each staff member, including This includes all substitutes, and volunteers working over five days or 40 hours a year, except as stated in Section 31.0. This file shall be available upon request for at least three months after employment/association ends. Except as noted, all file contents are required at the start of employment and shall include the following:

20.1.119.1.1 Personal data sheet, completed application, or resumé containing the staff member's name, date of birth, home address, and telephone phone number;

20.1.219.1.2 Date of employment or volunteer start date, termination date (as applicable);

20.1.319.1.3 Two references from two adults who are not related to the staff member who can verify the staff person is of good character and can meet the needs of children; These references can be letters or documentation of reference calls including the reference's name, contact information, date of reference contact, contents of the conversation with a reference, and name of person receiving verbal the reference;

20.1.419.1.4 Release of employment history form; and received Service Letters, obtained or pertinent documentation showing two requests, and follow-up for Service Letters have has been made. Two additional letters of reference or verbal references as described above are required if no previous employment If the person has not worked or if unable to secure get at least one completed service letter, with appropriate documentation two additional reference letters or phone references are required;

20.1.519.1.5 Professional development plan within three months of hire, if applicable;

20.1.619.1.6 Qualifications certificate, (if applicable);

20.1.719.1.7 Written records of required health Health appraisal that includes verification of the employee's ability to perform essential job functions, and This appraisal must include a tuberculosis or "TB" test or risk assessment with further testing if the health care provider has concerns regarding the person's health. This appraisal must be conducted within one year before hire start date and submitted within the first month of employment. The required health appraisal may be submitted between 30 and 60 days after the start of employment upon date only with documentation from the health care provider that the health appraisal appointment is scheduled during this extended period and that no earlier appointment date could be secured;

20.1.8 Written evidence on file within the first month of employment of freedom from communicable tuberculosis verified by test or medical professional risk assessment within one year before the date of initial employment at the center, with further testing if there are specific concerns from a health care professional regarding the employee's health or in accordance with current guidelines of the Delaware Division of Public Health (current website is [www.dhss.delaware.gov/dhss/dph/chea/files/childcaremanual.pdf](http://www.dhss.delaware.gov/dhss/dph/chea/files/childcaremanual.pdf));

20.1.919.1.8 A statement signed by the staff member stating the staff member's status regarding all whether he or she has previous conviction(s), current indictment indictments, or involvement in 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 a substantiated case of child abuse or neglect, substantiated by the Division of Family Services or the respective responsible entity in another state or country;

20.1.10 19.1.9 Documentation of a fingerprinting appointment scheduled before the start of employment with verification of fingerprinting form presented within 30 calendar days of the staff member's start date Verification of fingerprinting form completed before the staff member's start date;

19.1.10 Comprehensive background check results:

20.1.11 19.1.11 Verification of adult abuse registry check;

20.1.12 19.1.12 Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or unlawful possession, manufacture, or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place Documentation acknowledging that using alcohol or a drug that could adversely affect job functions, or having illegal drugs, substances, or non-prescribed controlled substances, is prohibited in the work place;

20.1.13 19.1.13 If transporting children, a copy of a current driver's license;

20.1.14 19.1.14 Copy of job description;

20.1.15 19.1.15 Written proof that of an annual review of safe sleep procedures (for programs serving infants) and child abuse and neglect recognition and reporting procedures have been reviewed with the staff member yearly;

20.1.16 19.1.16 Orientation form that includes written documentation that the information in these regulations was reviewed as required; and

20.1.17 19.1.17 Record of annual training hours, if applicable.

## **24-020.0 General Human Resources and Personnel Policies**

A licensee shall have and follow written personnel policies and practices that ~~at a minimum~~ include procedures for hiring, discipline, dismissal, suspension, fraud, and lay-off of staff members in accordance with applicable laws, ~~and make them~~ These policies shall be available to all staff members and on request by prospective staff.

## **22-021.0 General Qualifications**

22.121.1 A licensee shall ensure that each staff member has an understanding of and respect for children and their needs, ~~and This includes an understanding of and respect for a child's family and culture~~.

22.221.2 A licensee shall ensure that use of alcohol or a drug that could adversely affect essential job functions, unlawful possession, manufacture or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place A licensee shall ensure using alcohol or a drug that could adversely affect job functions, or having illegal drugs, substances, or a non-prescribed controlled substance is prohibited in the work place.

22.321.3 A licensee shall ensure that a background check is conducted on staff by the Delaware State Police. The appointment must be scheduled before the start of employment and the staff member shall not be alone with children until the background check results are received and suitability determined. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted within 30 calendar days of hire. Results of all record checks shall be placed in the staff member's file A licensee shall ensure each staff member schedules a fingerprinting appointment with State Police before the start of employment. Staff members shall provide the fingerprint verification form to the licensee before working with children. In addition to the fingerprinting, staff members who currently reside or have resided outside of Delaware in the last five years must contact each state of residence, and request a criminal history search and a child abuse and neglect search. After the out-of-state searches are completed, the administrator must submit the results immediately to OCCL's Criminal History Unit "CHU". A staff member may not be alone with children until CHU reviews the comprehensive background check and determines eligibility. Results of all record checks shall be placed in the staff member's file.

22.421.4 A licensee shall complete an adult abuse registry check through the Department of Health and Social Services' website (<http://dhss.delaware.gov/dhss/dltcrp/Default.aspx>) or other available mechanism for staff members ~~on or before their first day of employment start date~~. The results are to be printed and added to the staff member's file.

22.521.5 A licensee shall not own or be employed at a center if he or she is prohibited from working in child care in Delaware or is determined ineligible under the DELACARE Regulations - Background Checks For Child-Serving Entities. In addition, a licensee shall not employ or retain a person as a staff member who is prohibited or disqualified from working in child care in Delaware or convicted of a prohibited offense, as defined in the federal Child Care Development Block Grant Act. The licensee shall not employ or retain in any capacity a person convicted of an offense defined as child sex abuse in 11 **Delaware Code**, Section 8550 or whose child or children are currently removed from this individual's person's custody because of abuse or neglect or who are on the Child Protection Registry at a Level III or Level IV.

## **23.022.0 Adult Health Requirements**

~~A licensee shall ensure that a staff member does not provide personal care to or have direct contact with children when that staff member is known to have a communicable disease which is readily contagious to others. A licensee shall inform the Division of Public Health of a reportable communicable disease in accordance with the division's procedures. Attendance of staff shall be under Public Health's direction. A licensee shall ensure a staff member with a known contagious communicable disease does not provide personal care to or have direct contact with children. A licensee shall inform DPH of a reportable communicable disease. Attendance of staff shall be under DPH's direction.~~

## **24.023.0 Child Abuse and Neglect Reporting Requirements**

24.123.1 A licensee shall develop, adopt, follow, and maintain on file written policies and procedures for handling an incident of suspected child abuse or neglect, which occurs while a child is in or out of the center's care to comply with applicable laws.

24.223.2 Allegations of Abuse or Neglect against a Staff Member

24.2.123.2.1 The licensee shall ensure children are not abused or neglected.

24.2.223.2.2 The licensee shall take corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the center by a staff member; and

24.2.323.2.3 A staff member alleged to have perpetrated an incident of child abuse or neglect shall not have direct contact with any child, but may, at the discretion of the licensee, be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed. A staff member alleged to have abused or neglected a child, shall not have direct contact with any child until the completion of the incident's investigation. However, at the licensee's discretion the staff member may be reassigned to other duties that do not involve contact with children.

## **25.024.0 Orientation**

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

24.1.1 Delacare Regulations

25.1.124.1.2 Emergency preparedness, disaster and evacuation plans and procedures;

24.1.3 personnel Personnel and administrative policies;

24.1.4 Release of children including procedures for situations listed in subsection 34.1.10

24.1.5 positive Positive behavior management;

24.1.6 safe Safe sleep procedures including prevention of sudden infant death syndrome,

24.1.7 shaken Shaken baby syndrome and abusive head trauma;

24.1.8 routine Routine and emergency health care including health exclusions, and prevention and recognition of the symptoms of childhood illnesses, including reportable communicable diseases;

24.1.9 prevention Prevention and response to emergencies due to food allergies;

24.1.10 building Building and physical premises safety;

24.1.11 handling Handling and storage of hazardous materials; proper disposal of bio-contaminants;

24.1.12 child Child accident and injury procedures;

24.1.13 administration Administration of medication;

24.1.14 child Child care goals and program for children;

24.1.15 recordkeeping Recordkeeping;

24.1.16 family Family involvement;

24.1.17 food Food and nutrition services, including proper handling, storage, preparation, and feeding of breast milk and formula, if applicable;

24.1.18 safety Safety and sanitation procedures;

24.1.19 physical Physical activity;

24.1.20 screen Screen time;

24.1.21 photographing Photographing or videotaping children;

24.1.22 Transporting children, if applicable; and release of children;

25.1.224.1.23 Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and the center's procedures to report abuse and neglect; and

25.1.324.1.24 Information on federal or State laws or regulations applicable to children and families in care, including non-discrimination.

24.2 The orientation must include the opportunity for staff members to ask questions and receive clarification on their job functions, licensing regulations, and center policies. When information is revised, staff members shall be informed of the changes.

## **25.0 Annual Training**

25.1 A licensee shall ensure and provide documentation that the early childhood and school-age administrator and all staff members providing direct care to children, including an actively-involved owner, participate in annual training related to the staff member's position. Training in administration of medication shall count toward annual training. Training in CPR and first aid shall count toward annual training for initial certification, and when required to be renewed.

25.1.1 Staff members, including early childhood or school-age administrators working 25 or more hours per week, shall complete 18 clock hours of training annually.

25.1.2 Staff members, including early childhood or school-age administrators working less than 25 hours per week, shall complete nine clock hours of training annually.

25.1.3 For the purposes of this subsection, owners, substitutes, or volunteers that count in staff/child ratios and work or volunteer seven hours or more per week, shall be required to complete annual training as listed in subsections 25.1.1 and 25.1.2. Owners, substitutes, and volunteers who work less than seven hours per week and do not count in staff/child ratios shall be exempt from annual training.

25.1.4 Staff members not providing direct child care, such as those assigned only to clerical, bus driver/operator, janitorial, or food service duties, shall be exempt from annual training.

25.2 Training shall be in areas associated with improving quality in early care and education and school-age care. Topics shall include child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration.

25.3 Training taken must cover a minimum of three topics unless the person's professional development plan shows specific training is needed or if the staff member has completed a regionally accredited college or university course, successfully working toward a credential issued by the Delaware Department of Education "DOE", or when the training is six or more clock hours in length.

25.4 A licensee shall ensure new staff members who have been employed at the center for at least six months, but less than one year, complete at least half of the required training hours for their position since starting employment.

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

## **26.0 Annual Professional Development Plan**

A licensee shall ensure that a written professional development plan is completed for the early childhood or school-age administrator and each staff member providing direct care to children within three months of hire and updated annually. This plan shall be kept in the person's file and include professional development goals for the upcoming year. This plan must be completed for and signed by the person required to have training.

## **27.0 First Aid and CPR Training**

27.1 Unless a staff member is currently certified, a licensee shall ensure staff members qualified to be alone with children complete certifications in first aid and in cardio-pulmonary resuscitation "CPR" within two months of hire. The certifications must be appropriate to the ages of the children in care. CPR classes must include a "hands on" skill demonstration. Once staff members become qualified to be alone with children, they must complete CPR and first aid certifications within two months. Certifications shall be kept current.

27.2 At least one staff member certified in first aid and CPR, applicable to the ages of the children, must be present when children are present, including the beginning and end of the day and during off-site activities.

## **26.028.0 Owner of a Center**

~~26.128.1~~ The center's owner of a center shall be considered a staff member and actively involved if present at the center during regular hours of operation for seven or more hours per week or if working as a staff member as defined in these regulations. The personnel file of such an owner shall be on site, and available for review, and is only required to contain include the following:

- ~~26.1.128.1.1~~ Job description;
- ~~26.1.228.1.2~~ Verification Record of annual training hours, if applicable;
- ~~26.1.328.1.3~~ Verification of current Current first aid and CPR training;
- ~~26.1.428.1.4~~ A professional development plan within three months of start of ownership, if applicable;
- ~~26.1.528.1.5~~ Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or possession of a non-prescribed controlled substance is prohibited in the workplace; and
- ~~26.1.628.1.6~~ If transporting children, a copy of a current valid driver's license.

~~26.228.2~~ All owners Owners of a center who do not meet the requirements of ~~Subsection 26.1~~ subsection 28.1 are not required to have a personnel file on site.

## **27.029.0 Staff Qualifications**

~~27.129.1~~ A licensee shall ensure that sufficient qualified staff as described in these regulations members are hired and retained in order to meet the requirements of these regulations. A copy of the qualifications certificate shall be maintained kept in the staff member's file.

~~27.229.2~~ Staff members qualified through the OCCL's designee, Department of Education, Delaware First, before the effective date of these regulations shall retain keep that qualification.

~~27.329.3~~ A licensee shall ensure that each staff member without a valid qualifications certificate at a center submits, within 60 days of hire, true and accurate written documentation to the OCCL's designee, currently Delaware First, showing how the staff member is fully qualified for a particular position. The qualifications certificate shall be maintained kept in the employee's file. The OCCL shall determine what education, training, or experience is acceptable as an equivalent to meeting stated qualifications. When applicable, credits Credits from a regionally accredited college or university based on specific topic areas/titles may serve as a substitute for be used as other equivalent training as approved or accepted by the OCCL or its designee. Supervised experience may be substituted for the required experience used for designated positions and will reduce the amount of required experience required by half.

~~27.3.129.3.1~~ To participate in supervised experience as described in Subsections 27.5.1, 27.7, 27.8, and 77.3, a staff member must demonstrate during the designated period of continuous employment at a single licensed Delaware early care and education or school age center, the ability to create, select, present, and evaluate developmentally appropriate lessons, activities, and curriculum for individual children as well as for small and whole groups of children. For early childhood positions and school age positions when the center does not employ a school age administrator or school age site coordinator each with a degree, demonstration must occur under the formal documented supervision of a qualified early childhood administrator or early childhood curriculum coordinator, each with a degree To participate in supervised experience as described in subsections 29.5.1, 29.7, 29.8, and 74.3, a staff member must demonstrate the ability to create, select, present, and evaluate developmentally-appropriate lessons, activities, and curriculum for individual children as well as for small and whole groups of children. Demonstration must be observed and documented by an early childhood administrator or early childhood curriculum coordinator, each with a degree. Supervised experience for school-age positions may be observed and documented by a school-age administrator or school-age site coordinator. Supervised experience may only be earned at a licensed center. The process and forms used to document supervised experience are located on OCCL's website.

~~27.3.229.3.2~~ In the event that If false qualifications documentation is submitted to the OCCL or its designee, the applicant will be notified that the applicant and will be unable to submit new or updated documentation for one year.

~~27.3.329.3.3~~ The OCCL and its designee will only accept high school diplomas obtained through regionally accredited agencies. The secondary credential assessment, such as the GED ® Test and alternatives will only be accepted if the examination was completed through the American Council on Education or individual state-sanctioned agencies.

~~27.3.429.3.4~~ Proof of a high school diploma or its equivalent, college transcripts, or proof of degree from another country used to verify qualifications for a position described in these regulations must be evaluated by an independent credentialing agency approved by the OCCL or its designee High school

diplomas or equivalents, college transcripts, or degrees from other countries used to verify education for a position must be evaluated by an independent credentialing agency approved by OCCL or its designee.

**27.429.4 Early Childhood Administrator**

**27.4.129.4.1** A licensee shall ensure that the early childhood administrator of the center is at least 21 years of age old and meets the following education and experience qualifications:

<b>Education</b>	<b>Area of Study/ Major</b>	<b>Regionally Accredited College or University Credits<sup>1</sup></b>	<b>Experience<sup>2</sup></b>
At least a bachelor's degree or associate degree from a regionally accredited college or university	All areas of study	Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three hour early childhood elective of the learner's student's choice	18 months of experience working with children ages birth through second grade in a group setting

<sup>1</sup> Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as an early childhood administrator.

<sup>1</sup>An administrator's credential may substitute for three college or university credits when issued by DOE or other approved agencies. Having an early childhood or school-age administrator's credential alone does not qualify a person as an early childhood administrator.

<sup>2</sup> Three months of supervised student teaching of children birth through second grade may substitute for six months of the required experience.

**27.4.229.4.2** A licensee shall ensure that the early childhood administrator who manages the center's administrative duties such as human resources/personnel and fiscal has successfully completed 15 clock hours of approved training in administration, which may be included in the total number of college or university credits required for the position unless the duties are not the responsibility of the early childhood administrator. A written plan approved by the OCCL shall be required if the 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. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL A licensee shall ensure the early childhood administrator who manages the center's human resources/personnel and fiscal duties completed 15 clock hours of approved training in administration, unless the duties are not the responsibility of the early childhood administrator. A written plan approved by OCCL shall be required if the 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. Changes involving the person/entity performing these duties shall require a new plan approved by OCCL.

**27.4.329.4.3** An early childhood administrator without a degree, who before the effective date of the January 1, 2007, regulations was known as the program director at a particular center, shall be able to serve as the early childhood administrator provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center and that has a qualified early childhood curriculum coordinator with at least an associate degree functioning in that role An early childhood administrator without a degree, who formerly qualified as the program director at a center licensed before January 1, 2007, shall be able to serve as the early childhood administrator. To keep this qualification, this person remains at that original center or may transfer only to a center licensed before January 1, 2007, that is owned by the same licensee. This center must have a qualified early childhood curriculum coordinator with at least an associate degree functioning in that role.

**27.529.5 Early Childhood Curriculum Coordinator**

**27.5.129.5.1** A licensee shall ensure that an early childhood curriculum coordinator is at least 20 years of age old and meets one of the following education and experience qualifications:

Education	Area of Study/ Major	Regionally Accredited College or University Credits	Experience <sup>1</sup>
Bachelor's degree from a regionally accredited college or university	Early childhood education, child development, elementary education, elementary special education or child psychology	Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning	Three months of supervised student teaching birth through second grade - or - Six months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Same as above	Six months of experience working with children birth through second grade in a group setting
Associate degree from a regionally accredited college or university	Early childhood education, child development, elementary education, or elementary special education	Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning	Three months of supervised student teaching birth through second grade - and - Three months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Same as above	Six months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Same as above	12 months of experience working with children birth through second grade in a group setting
High school diploma or equivalent recognized by <u>Delaware Department of Education</u> <u>DOE</u>	All areas of study	Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning	24 months of experience working with children birth through second grade in a group setting

<sup>1</sup> Supervised experience may be substituted for half of the required experience and will reduce it by half.

27.5.229.5.2 An early childhood curriculum coordinator without a degree may fill this position provided that when the early childhood administrator is qualified with at least an associate degree and is functioning in that role.

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

27.6.129.6.1 If the center serves infants or toddlers, a licensee shall ensure that the individual functioning as either the early childhood administrator or early childhood curriculum coordinator has successfully completed 15 clock hours of approved training in infant or toddler development and curriculum. The clock hours may be translated from the college or university credits and included in the total number of college or university credits required for the position.

27.6.229.6.2 If the center serves school-age children, a licensee shall ensure that the individual functioning as either the early childhood administrator or early childhood curriculum coordinator has successfully

completed 15 clock hours of approved training in school-age care. The clock hours may be translated from the college or university credits and included in the total number of college or university credits required for the position. A center employing a qualified individual who functions as a school-age administrator shall be exempt from this requirement.

**27.729.7 Early Childhood Teacher**

27.7.129.7.1A licensee shall ensure that an early childhood teacher is at least 18 years of age old and meets one of the following education and experience qualifications:

<b>Education</b>	<b>Area of Study/ Major</b>	<b>Regionally Accredited College or university Credits</b>	<b>Experience <sup>1</sup></b>
Bachelor's degree or associate degree from a regionally accredited college or university	Early childhood education, child development, elementary education, elementary special education, or child psychology	Successful completion of at least six credits in child development or early childhood education	Three months of supervised student teaching birth through second grade - or - Six months of experience working with children birth through second grade in a group setting
	All other areas of study/majors	Successful completion of at least six credits in child development or early childhood education	Six months of experience working with children birth through second grade in a group setting
High school diploma or equivalent recognized by <u>Delaware Department of Education</u> <u>DOE</u>	All areas of study	Successful completion of at least nine credits of which three credits must be in early childhood education, child development, and positive behavior management. -or- Valid Child Development Associate Credential or CDA -or- Successful completion of Training for Early Care and Education 1 and 2 or TECE 1 and TECE 2 -or- Montessori Infant and Toddler Full/Associate Credential or Montessori Early Childhood Full/Associate Credential from a MACTE approved training program -or- Successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program -or-	12 months of experience working with children birth through second grade in a group setting
		Successful completion of a vocational or technical high school's three year program in early childhood education approved by <u>Delaware's Department of Education</u> <u>DOE</u> -or- Successful completion before 2007 of a one-year early childhood diploma program from a two-year college	

<sup>1</sup> Supervised experience may be substituted for half of the required experience and will reduce it by half.

27.829.8 Early Childhood Assistant Teacher

27.8.129.8.1 A licensee shall ensure that an early childhood assistant teacher is at least 18 years of age old and meets the following education and experience qualifications:

Education	Area of Study/ Major	Regionally Accredited College or University Credits	Experience <sup>1</sup>
High school diploma or equivalent recognized by Delaware Department of Education <u>DOE</u>	All areas of study	Successful completion of at least three credits in early childhood education and three credits in child development - or - Successful completion of Training for Early Care and Education 1 or TECE 1 - or - Successful completion of a traditional high school's career pathway program in early childhood education approved by Delaware's Department of Education <u>DOE</u>	Six months of experience working with children birth through second grade in a group setting

<sup>1</sup> Supervised experience may be substituted for half of the required experience and will reduce it by half.

27.929.9 Early Childhood Caregiver

27.9.129.9.1 A licensee shall ensure that an early childhood caregiver is at least 18 years of age and, before the effective date of the January 1, 2007, regulations, was in the position formerly known as a caregiver at a particular center and received an early childhood caregiver certificate from the OCCL to continue in that capacity before January 1, 2009. A licensee shall ensure a staff member who formerly qualified as an early childhood caregiver at a specific center licensed before January 1, 2007, may continue to serve in that role.

27.9.229.9.2 The position of early childhood caregiver is acceptable provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center. To keep this qualification, a caregiver remains at that original center or transfers only to a center licensed before January 1, 2007, that is owned by the same licensee.

27.1029.10 Early Childhood Intern

27.10.129.10.1 A licensee shall ensure that an early childhood intern is at least 16 years of age or 15 years of age old, or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center, an early childhood intern may be 15 years old. An early childhood intern may count in the staff/child ratio. An early childhood intern must always be under the direct observation of at least an early childhood assistant teacher, or early childhood caregiver, and An early childhood intern may not be alone with children except as specified listed below. An early childhood intern must be at least four years older than any child in his or her direct care, and An early childhood intern must meet one of the following education qualifications with documentation on file at the center:

27.10.1.129.10.1.1 Successful completion of at least 15-clock hours of quality-assured training in early care and education;

27.10.1.229.10.1.2 Successful completion of at least three college or university credits from a regionally approved college or university in either child development or early childhood education; or

27.10.1.329.10.1.3 Successful completion of the education requirement for a higher level position contained in these regulations.

27.10.229.10.2 While maintaining required ratios and group size, a qualified early childhood intern may be alone with children when:

27.10.2.129.10.2.1 Walking children to or from a bathroom;

27.10.2.229.10.2.2 Walking children to or from receiving first aid treatment;

27.10.2.329.10.2.3 Walking children to or from a bus stop;

27.10.2.429.10.2.4 Walking children from one classroom or area to another within the center; and

27.10.2.529.10.2.5 Supervising an ill child while waiting for pick-up by a parent/guardian.

27.1129.11 Early Childhood Aide

~~27.11 29.11.1 An early childhood aide must be at least 16 years of age, or 15 years of age if attending a vocational or technical high school's three-year early childhood education program, in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center an early childhood aide may be 15 years old. An early childhood aide must always be under the direct observation of at least an early childhood assistant teacher or early childhood caregiver. An early childhood aide may not be alone with children, and An early childhood aide must be at least four years older than any child in his or her direct care. An early childhood aide will count in the staff/child ratio only during the first 12 months of employment at a single center. An early childhood aide attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center, may count in the staff/child ratio while enrolled in the high school program.~~

**28.030.0 Staffing**

~~28.130.1 A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood administrator A licensee shall ensure the center has a qualified early childhood administrator who functions in that role.~~

~~28.230.2 A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood curriculum coordinator A licensee shall ensure the center has a qualified early childhood curriculum coordinator who functions in that role.~~

~~28.330.3 An early childhood administrator shall also be able to serve as the early childhood curriculum coordinator provided if the early childhood administrator meets the qualifications with has at least an associate degree and:~~

~~28.3.130.3.1 The center has a capacity of 60 or fewer children; or~~

~~28.3.230.3.2 The licensee shall ensure through has a written plan approved by the OCCL that the center's administrative duties such as human resources/personnel and fiscal 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. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL.~~

~~28.430.4 A licensee shall ensure that a staff member who meets the qualifications and functions as an early childhood administrator or early childhood curriculum coordinator is at the center at least 60% of the hours of operation and functioning in that role. The early childhood administrator shall be present at least 20 hours a week or 30% of the hours of operation.~~

~~28.4.130.4.1 When the early childhood administrator or early childhood curriculum coordinator is not present, an assigned a staff member that who is at least meets the qualification of an early childhood teacher is must be present and specifically designated as responsible for the early care and education and school-age center. This staff member shall have documented receive training in the day-to-day operations of the center such as in the center's emergency procedures, opening/closing procedures, location of and access to child and staff files, and supervision of children and staff. This training shall be documented.~~

~~28.4.230.4.2 If an early childhood administrator is responsible for two or more centers, each with capacities of 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 50% of the hours of operation.~~

~~28.530.5 A licensee shall follow a one-to-four ratio of early childhood teachers to early childhood assistant teachers, early childhood caregivers, early childhood interns, and early childhood aides as indicated shown in the table below during all hours of operation:~~

Number of Early Childhood Teacher(s)	Total Number of Early Childhood Assistants, Caregivers, Interns, and Aides
1	1 to 4
2	5 to 8
3	9 to 12
4	13 to 16
5	17 to 20

(continue as needed)

28.630.6 Staff charged with caring members who provide care for children shall not be given other duties or participate in personal activities such as using a cell phone which that would interfere with providing care to children. A licensee shall ensure that providing child care is the primary focus for all direct-care staff members during the hours of operation and that supervision of each child is provided at all times.

### **31.0 Substitutes, Volunteers, and Contracted Special Services Persons**

31.1 A licensee shall ensure a substitute or volunteer may be 15 years old only if they are attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment shall be on file at the center.

#### 31.2 Substitutes

31.2.1 A licensee shall have substitute staff members that are at least 16 years old. Documentation of their qualifications to fill a position during the absences of staff is required if left alone with children. Substitutes may count toward staff/child ratios for one year without being qualified as at least an early childhood intern.

31.2.2 A substitute who is not qualified shall count toward staff/child ratio and must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times. When the position of early childhood administrator or early childhood curriculum coordinator is vacant for 30 days or more, a substitute or person filling that role must be qualified for and function in the designated position.

#### 31.3 Volunteers

31.3.1 Volunteers without a complete personnel file may not be alone with children. If working with children, these volunteers must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times, including while transporting children or on field trips.

31.3.2 A licensee shall ensure volunteers are at least 16 years old if counted for staff/child ratios. Volunteers may count toward staff/child ratios for one year without being qualified as at least an early childhood intern.

31.3.3 Volunteers providing unpaid services of less than five days or 40 hours a year are not required to have comprehensive background checks and may never be alone with children. Volunteers providing unpaid services of more than five days or 40 hours a year are required to have comprehensive background checks. Volunteers who have had a comprehensive background check and determined eligible may be left alone with children if qualified as at least an early childhood assistant teacher or school-age site assistant.

31.3.4 Volunteers working as part of an institution of higher education's degree-granting program and assigned to a center may be present on a provisional basis after completing a State and federal fingerprint check for that center. They must be supervised at all times. When being fingerprinted, volunteers may list multiple centers on the consent form. The fingerprint verifications for these students must be on file at the center. A complete file is not required.

#### 31.4 Contracted Special Services Persons

31.4.1 Individuals providing contracted special services (such as tutoring, computer education, and language lessons) who are not employees of the center may not be alone with children, unless they receive a comprehensive background check for the center and are determined eligible. Written parent/guardian permission is required for participation in the activity.

31.4.2 A staff file is not required for individuals described in subsection 31.4.1.

### **29.032.0 Staff Communication**

A licensee shall have and follow an organized system of documented communication among staff. ~~to This system shall ensure that a when another staff member assuming assumes responsibility for a child or children, as during shift changes, for example, he or she is informed of significant information, problems, needs, or special circumstances involving a child or children.~~

### **30.033.0 Ratios, Group Size, and Supervision**

30.133.1 A licensee shall ensure that direct supervision of children is provided at all times. This supervision occurs through the assignment of qualified staff members who are physically present and working with children. ~~to maintain the following~~ The licensee shall maintain the minimum staff/child ratio, except as stated in subsection

33.5. and maximum group size for each age group listed during daily activities at the center as indicated listed in the table below:

	<b>Age of Child</b>	<b>Minimum Staff/Child Ratio</b>	<b>Maximum Group Size</b>
Infant	Under 12 months	1:4	8
Young toddler	12 through 23 months	1:6	12
Older toddler	24 through 35 months	1:8	16
Young preschool child	36 through 47 months	1:10	20
Older preschool child	48 months or older and not yet attending kindergarten or higher	1:12	24
School-age child	Attending kindergarten or higher	1:15 <sup>1</sup>	30

<sup>1</sup> A licensee may apply for a variance from the minimum staff/child ratio to a staff/child ratio of 1:20 when a currently certified State of Delaware teacher is teaching school-age children in the teacher's area of certification. The licensee must have and follow a plan to comply with the staff/child ratio of 1:15 when a certified teacher as described above is not present (such as during planned or unplanned absences, before and after care, etc.). A copy of the teacher's current certification and the licensee's plan for teacher absence must be submitted to OCCL with the Variance Request form. No variance from the maximize group size of 30 will be granted.

30.233.2 A licensee shall maintain the full staff/child ratio for infants at all times, and a staff member shall be assigned to care for specific infants and toddlers within their group.

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

33.4 Maximum group size does not have to be maintained when 12 or fewer children are present in the center.

30.433.5 A licensee shall ensure that during nap times when children one year and older are sleeping, a licensee shall ensure at least half of the required staff members are physically present with each group of children and directly observing the children. A staff member shall not sit between multiple classrooms or areas and monitor groups of napping children. Maximum group size shall be maintained.

30.533.6 A licensee shall have at least two staff members present when seven or more children one year and older are present. When six or fewer children one year and older are present with only one staff member, that a staff member must be qualified at least as an early childhood teacher must be present. The licensee shall have and follow emergency procedures providing immediate access to emergency services and an additional staff when only one staff member is present with children at the center.

30.633.7 A licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children except in the following situations:

33.7.1 unless When 12 or fewer children in total are present; or

33.7.2 during During the first 90 minutes and last 90 minutes of a center's the hours of operation; Maximum group size does not have to be maintained when 12 or fewer children are present in the center.

33.7.3 Mixing of age groups is permitted for special events or occasions. When toddlers turn three years old and remain with their classes until new classrooms are assigned; or

33.7.4 During special events or occasions.

30.733.8 A licensee shall ensure that when 10 or more school-age children are in attendance present, the school-age children are cared for in an area physically separated from younger children.

## **31.0 Substitutes, Volunteers, and Contracted Special Services Persons**

31.1 A licensee shall ensure that a substitute or volunteer may be 15 years old only if they are attending a vocational or technical high school's three year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment and attendance in the programs shall be on file at the center.

### **31.2 Substitutes**

31.2.1 A licensee shall have substitute staff that are at least 16 years of age, including documentation of their qualifications to fill a particular position during the absences of permanent staff if left alone with children.

31.2.2 A substitute who is not fully qualified shall be allowed to count toward staff/child ratio and must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times. When the position of early childhood administrator or early childhood

curriculum coordinator, if applicable, is vacant for 30 days or more, a substitute or person filling that role must be qualified for and function in the designated position.

### **31.3 Volunteers**

- 31.3.1** ~~Volunteers without a complete personnel file may not be alone with children and must always be supervised by at least the designated early childhood teacher or designated school age site assistant who has been assigned responsibility for the early care and education or school age center. If working with children, volunteers must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school age site assistant at all times, including while transporting children or on field trips.~~
- 31.3.2** ~~A licensee shall ensure that volunteers are at least 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.~~
- 31.3.3** ~~Volunteers providing unpaid services of less than five days or 40 hours a year shall not be required to have background checks and may never be alone with children. Volunteers providing unpaid services of more than five days or 40 hours a year are required to have background checks.~~
- 31.3.4** ~~Volunteers working as part of an institution of higher education's degree granting program and assigned to an early care and education and school age center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the center. A complete file is not required.~~

### **31.4 Contracted Special Services Persons**

- 31.4.1** ~~Individuals providing contracted special services and not employees of the center (such as tutoring, computer education, and language lessons) may not be alone with children, may not count in staff/child ratios, and must have a background check conducted for the center if present five days or 40 hours per year.~~
- 31.4.2** ~~A complete staff file is not required for individuals described in Subsection 31.4.1.~~

## **32.0 Annual Training**

- 32.1** ~~A licensee shall ensure and provide documentation that the early childhood and school age administrator and all staff providing direct care to children, including an actively involved owner, participate in annual training directly related to the staff member's position. Training in administration of medication shall count toward annual training. Training in CPR and First Aid shall count toward a staff member's annual training requirement, for initial certification, and when required for certification renewal.~~
- 32.1.1** ~~Staff members, including early childhood or school age administrators working 25 or more hours per week, shall participate in at least 18 clock hours of training annually.~~
- 32.1.2** ~~Staff members, including early childhood or school age administrators working less than 25 hours per week, shall participate in at least nine clock hours of training annually.~~
- 32.1.3** ~~For the purposes of this subsection, owners, substitutes, or volunteers that count in staff/child ratios and work or volunteer seven hours or more per week, shall be required to complete annual training as specified in Subsections 32.1.1 and 32.1.2. Owners, substitutes, and volunteers who work less than seven hours per week and that do not count in staff/child ratios shall be exempt from annual training requirements.~~
- 32.1.4** ~~Staff members not providing direct child care, such as those assigned only to clerical, bus driver/operator, janitorial, or food service duties, shall be exempt from annual training requirements.~~
- 32.2** ~~All training shall be in topic or core areas associated with improving quality in early care and education and school age care. Topics shall include the following core areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration.~~
- 32.3** ~~Training taken must cover a minimum of three core areas unless documented in the individual's annual professional development plan by the facility's early childhood or school age administrator that other training is needed or if the staff member is applying credits for successfully completing a regionally accredited college or university course, successfully working toward a credential issued by the Delaware Department of Education, or when the training is six or more clock hours in length.~~
- 32.4** ~~A licensee shall ensure that new staff members who have been employed at the center for at least six months, but less than one year, at the center obtain at least half of the required training hours for their position.~~
- 32.5** ~~A licensee shall ensure 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.~~

### **33.0 Annual Professional Development Plan**

A licensee shall ensure that a written professional development plan is completed for the early childhood or school age administrator and each staff member providing direct care to children within three months of hire and updated annually. This plan shall be maintained in the individual's staff file and include professional development goals for the upcoming year. An annual professional development plan must be completed for individuals required to have training as specified in these regulations.

### **34.0 First Aid and CPR Training**

- 34.1 Unless staff is currently certified, a licensee shall document during an orientation period, not to exceed two months of hire, that staff qualified to be alone with children complete classroom based certifications in First Aid and in cardio pulmonary resuscitation or CPR which require a skill demonstration and is appropriate to the ages of the children staff are assigned to care for. Certifications shall be maintained.
- 34.2 At least one staff member properly certified in First Aid and CPR training, applicable to the ages of the children, must be present during all hours of operation when children are in attendance, including the beginning and end of the day and during off site activities such as outings or field trips.

### **35.0 Parents/Guardians Communication**

35.134.1 A licensee shall have and follow an organized system of respectful communication with parents/guardians that incorporates the use of written policies in and provide a handbook that is provided to a parent/guardian at enrollment that includes the following information:

35.1.134.1.1 Assurances that parent's/guardian's parent/guardian's visits and monitoring of the program are welcomed and permitted without prior approval of the center;

35.1.234.1.2 Assurances of nondiscrimination based on sex, race, religion, cultural heritage, disability, marital status, economic status, or other protected class;

35.1.334.1.3 A statement of the center's developmental and educational goals for all children as stated in Subsection 66.2 subsection 63.2 including procedures for ensuring that the parent/guardian is kept regularly informed concerning informing the parent/guardian about the program and their child's developmental and educational progress including a minimum of one annual conference between center staff and the parent/guardian;

35.1.434.1.4 Information about procedures Procedures used by the center to assess children's accomplishments and needs and, when there are concerns, to refer the parent/guardian for additional help in the community;

35.1.534.1.5 Upon request, a procedure for informing the parent/guardian of the identities of the governing body members and owners, as applicable;

35.1.634.1.6 A procedure encouraging the parent/guardian to review current licensing regulations that are made available at the center;

35.1.734.1.7 A procedure for making taking and handling complaints from the parent/guardian regarding the center;

35.1.834.1.8 A typical daily schedule of the center's programs and activities;

35.1.934.1.9 A written explanation of the center's policy Policies on positive behavior management, food and nutrition services, safety and sanitation, physical activity, screen time, photographing or videotaping children, and transporting children, as applicable;

35.1.1034.1.10 Procedures related to release of children including releasing children only to people approved by a parent/guardian; allowing school-age children to walk home or from the school bus stop to the center each with written parent/guardian permission; checking the identity of an unknown approved person before releasing the child and keeping documentation of this verification; a process for the emergency release of a child; a process for handling situations in which a non-custodial parent attempts to claim the child without custodial parent/guardian permission; and a process to be followed when an unapproved person wants to pick up a child, or a person who seems to be intoxicated or unable to bring the child home safely requests release of a child;

35.1.1134.1.11 A copy of the center's Policies on routine and emergency health care plan including health exclusions, written notification of an outbreak of a communicable disease, and administration of medication;

35.1.1234.1.12 Procedures to regularly report accidents or critical incidents involving the child and other important information relating to the child;

35.1.1334.1.13 A written explanation of the mandatory reporting of child abuse and neglect; and

35.1.1434.1.14 Procedures stating that written permission from the parent/guardian is required before disclosing or using a child's written, electronic, or digital information except in the performance of official duties by to employees of the OCCL or other entities with statutory responsibilities for issues relating to the health, safety, and well-being of children.

34.1.15 A suspension and expulsion policy; and

35.1.1534.1.16 A licensee shall ensure that staff create and use Procedures for using a written transition plan when admitting enrolling a child new to the center or when moving a child permanently from a particular group or room. The parent/guardian shall be informed in advance of a permanent change in the placement of a child.

## PART III PHYSICAL ENVIRONMENT AND SAFETY

### **36.035.0 General Safety Practices**

36.135.1 A licensee shall show evidence of security procedures that ensure access to children is limited to authorized people.

36.235.2 A licensee shall ensure that every building or part thereof that is used as a the center, is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local and municipal regulatory bodies. with The licensee shall have written certification of compliance from the appropriate regulatory bodies governing zoning, building construction, and safety, sanitation, and fire safety. This includes Department of Natural Resources and Environmental Control "DNREC" and Department of Health and Social Services "DHSS" Office of Drinking Water for well water.

36.335.3 A licensee shall maintain keep all areas of the center in a clean, and safe condition free from hazards. This includes floors Floors, walls, counter surfaces, toilets, or any rough and surfaces or finishes that may present a hazard to health and safety shall be cleanable and in good repair.

36.435.4 A licensee shall ensure that all structures, fences, equipment, and the grounds are maintained in a clean, and safe condition, so as to The center shall be free from hazards to health and safety, including appropriate lighting of outdoor Outdoor areas that are used while it is dark shall have appropriate lighting. Grounds shall drain either naturally or through installed drainage systems so there is no standing drainage water on the premises. All areas at the center determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots shall be fenced off or have natural barriers to protect children.

36.535.5 A licensee shall ensure that the center is free of unacceptable exposure to hazardous materials, and shall maintain evidence that, if the building were constructed in or before 1978, the center has been tested for and found to be free of lead-based paint hazards. Buildings constructed after 1978 are exempt from lead paint testing.

35.6 A licensee shall ensure the center is free of lead hazards. Buildings constructed in or after 1978 are exempt from lead-paint risk assessments and testing. If the building were constructed before 1978, a licensee shall provide to OCCL a lead-paint risk assessment performed by a certified environmental testing firm pursuant to DHSS regulations. This risk assessment shall identify the presence of any lead paint and lead-paint hazards. If lead paint is identified but intact (i.e. not chipping, flaking, or peeling), the licensee shall monitor the identified areas every six months and document that the lead-based paint is intact (in good repair and not deteriorated). Lead-based paint is not regarded as a hazard if it is intact, not present in an accessible surface, a friction surface, or an impact surface that could result in an adverse human health effect.

35.6.1 If lead-paint hazards are identified in the risk assessment, the licensee shall remedy the hazards by hiring a lead-safe renovation contractor (lead abatement or renovation firm) certified by DHSS to make the repairs within the timeframe provided by DHSS. Once the repairs are made, a lead-dust clearance inspection must be performed by an environmental testing firm certified by DHSS to confirm the center is free of lead-based paint hazards. The licensee shall provide the lead-dust clearance testing results to OCCL within five business days to confirm the center is free of lead-based paint hazards. Children may not be present during repairs.

35.6.2 If any lead-based paint identified in a risk assessment becomes deteriorated or if lead-based paint is located in an area to be remodeled, a contractor certified by DHSS to work using lead-safe work practices (lead abatement/lead renovator) must be retained to perform any renovation/repair in a pre-1978 child-occupied facility. Records of any renovation or repair work shall be forwarded to OCCL within five business days. Children may not be present during repairs or renovation.

35.6.3 Programs operating in buildings owned by public and private schools are exempt from subsection 35.6 but must follow DOE hazardous material policies.

35.7 A licensee shall ensure radon testing is performed once every five years between the months of October and March and within six months after any remodeling, renovations, or construction.

35.7.1 This testing may be performed by the property owner or an inspector certified by the American Association of Radon Scientists, the National Radon Safety Board, or any organization recognized by the EPA or State of Delaware Radon Program.

35.7.2 If testing indicates a radon level over 4.0 pCi/l, acceptable radon mitigation must occur or a long-term radon test (90-120 days) must indicate a level less than 4.0 pCi/l.

35.7.3 Copies of radon testing results shall be sent to OCCL within 10 business days of receiving the results.

36.635.8 A licensee shall ensure that the temperature of the water from all water faucets and other sources accessible to children in care not exceed 120° F. All sinks shall supply hot and cold water under pressure at all times and all plumbing shall comply with State and local plumbing codes. Water supply and the sewage disposal shall be approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively. Portable sinks are prohibited. A licensee shall ensure the water temperature does not exceed 120° F from faucets and other sources accessible to children. All sinks shall supply hot and cold water under pressure at all times and all plumbing shall comply with State and local plumbing codes. Portable sinks are prohibited.

36.735.9 In areas accessible to children, only containers designated for clean, recyclable paper may be present without a cover. A licensee shall ensure that garbage and trash are stored securely in non-combustible, covered containers. Recyclable paper may be in uncovered containers. Indoor containers shall be emptied at least daily to an outdoor receptacle and kept clean. Outdoor trash/garbage containers shall be inaccessible to children, emptied at least weekly, and, with the exception of dumpsters, cleaned as needed.

36.835.10 A licensee shall ensure that containers of poisonous, toxic, or hazardous materials are prominently and distinctly marked or labeled for easy identification as to with the contents. These materials shall be used only in the manner and under the conditions that will not contaminate food or constitute a hazard to the children in care or to staff. These materials shall be stored in a locked storage space accessible only to authorized staff. Materials required for routine cleaning and maintenance shall be stored out of children's reach and used in a safe manner. The storage of flammable liquids and gases shall not be permitted in the center except as allowed by the Office of the Fire Marshal.

35.11 A licensee shall ensure firearms or ammunition are not within the center's premises. This regulation shall not apply to law enforcement officers in the performance of their official duties.

36.935.12 A licensee shall ensure that raised areas on the premises, over two feet, other than stairways, such as porches, and elevated walkways, or surfaces and elevated play areas, of more than two feet in height have hazard free walls or barriers to prevent falls, over the open side, and stairways. Stairways, over four steps inside and out, shall have handrails at a maximum of 38 inches high and that are safe for children and adults.

36.1035.13 A licensee shall ensure that every exit, exit access, and exit discharge is free of obstruction at all times. All closets shall be provided with doors that can be readily opened from both sides.

36.11 A licensee shall ensure that glass door panels and windows within 36 inches of the floor have safety guards at children's eye level such as rails or mesh or be of safety grade glass or polymer and equipped with a vision strip or decal.

35.14 A licensee shall ensure glass doors and windows within 36 inches of the floor have a vision strip or decal at children's eye level.

36.1235.15 A licensee shall ensure that all buildings used by a keep the center are rodent-free and free of insect infestation. If pesticides are used, they shall be used according to the instructions listed on the label.

36.1335.16 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. Portable wading pools shall be prohibited, and permanent Permanent or built-in swimming and wading pools that are left filled when not in use shall be inaccessible to children.

36.1435.17 A licensee shall ensure that a center has child proof receptacle covers in all unused electrical outlets accessible to children including unused power strips not in use, or has electrical outlets that are of the child-resistant are covered. Child-resistant ground-fault circuit-interrupter or GCFI "GFCI" type are exempt from being covered.

36.1535.18 A licensee shall ensure that a center is ventilated to ensure that the air quality within the center provides a healthy environment for children and adults. Insect screening in good repair A center located in a building that previously contained or currently contains a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality, will not be licensed or have a license renewed, unless the applicant/licensee obtains indoor air sampling as required per 7 DE Admin. Code 1375 that shows there is no impact to the center. A licensee shall be used for all exterior doors and operable windows when the doors and windows are

use undamaged screens on windows, doors, or openings to the outside used for ventilation, provided that all requirements for fire safety have been met. If a ventilation system is not provided, a center shall have window area equal, at a minimum, to 4.5% of the floor area of the center. Half of this window area shall be operable.

36.1635.19 A licensee shall ensure that heating and cooling equipment, hot water pipes, or radiators are safely shielded or insulated to prevent the injury of children.

36.16.135.19.1 Heating, cooling, and plumbing equipment shall be properly installed, cleaned, and maintained to operate safely.

36.16.235.19.2 Floor or window fans must be inaccessible to children and bear the have a safety certification mark of from a nationally recognized testing laboratory such as Underwriters Laboratories or Electro-Technical Laboratory "NRTL".

36.1735.20 A licensee shall ensure that room temperatures in rooms used by the children are maintained kept at a minimum temperature of 68° F and a maximum of 82° F measured three feet above floor level unless there is conflict with federal and State energy laws. Portable space heaters shall be prohibited. For a center Centers licensed after January 1, 2007, air conditioning shall be used use air conditioning during hot weather to keep rooms used by children at a comfortable temperature. Except as provided stated below, a center shall be required to inform the OCCL and close temporarily if the minimum or maximum room temperature cannot be maintained. If a room temperature is above 60° F and below 90° F drops within the range of 60° F- 67° F or rises within the range of 83° F- 90° F, a center shall restore the room temperature to above 68° F and below 82° F within the next 4 hours or close until the temperature is restored.

## **37-036.0 Smoking Prohibited**

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

## **38-037.0 Indoor Space**

38.137.1 A center shall have sufficient natural and artificial enough lighting to allow for the supervision of the children and provide illumination of at least 30-foot candles at floor level in areas where children's activities occur.

38.237.2 A licensee shall ensure that interior space designated for the use of children children's use is available to children when the center is in operation. and is This space shall be arranged to allow each child adequate space for free movement and active play. A center shall have at least 35 square feet of usable floor space for each child in each area or room used by children. Measurements shall be from wall to wall on the inside. Toilet rooms, kitchen areas, isolation areas for ill children, offices, storage spaces, hallways, furnace rooms, gymnasiums, and other areas not used as classroom space shall not be counted in determining a center's capacity.

38.337.3 A licensee shall provide children with individual storage space, labeled with their name, for so personal belongings, so that clothing, or bedding used by a child does not come into contact with that used by other children touch another child's. This storage space shall be labeled with the child's name.

## **39-038.0 Area for Children Who Become Ill**

39.138.1A licensee shall ensure that a center has a separate area, not located in the kitchen or toilet area, where children who are exhibiting illnesses or symptoms requiring exclusion from the center showing signs of ill health as stated in Section 56.0. are cared for until they can be removed from the center or are determined to pose no risk to themselves or others.

39.238.2The separate area shall be furnished with have rest equipment provided with and clean bedding.

39.338.3The child's individual needs for rest, comfort, food, drink, and activity shall be met until the child can be picked up by a parent/guardian or it is determined by a health care provider/consultant that the illness or symptoms pose no serious health risk to the child or to other children.

39.438.4All items used by an ill child, including rest equipment, bedding, utensils, and toys shall be cleaned with soap and water and disinfected before being used by another child.

## **40-039.0 Outdoor Climate and Space**

40.139.1 Weather permitting, a licensee is required to provide daily opportunities for outdoor play when the wind chill factor is 32° F or higher or the heat index is 89° F or lower and the weather and environmental conditions do not pose a significant health or safety risk. Outdoor play during periods outside this temperature range shall

be at the discretion of the provider up to the licensee, unless Children shall be appropriately dressed for the weather. The guidelines of the National Weather Service ([www.weather.gov](http://www.weather.gov)) has issued shall be followed if an advisory regarding health or safety risks for the local area has been issued. Children shall be appropriately dressed for the weather.

40.239.2 A licensee shall maintain or have access to an outdoor play area with at least 75 square feet for each child for the maximum number of children who will use the playground at one time, with a This play area shall have space suitable for gross motor moderate to vigorous physical activities, including running. The outdoor This play area shall be large enough to accommodate at least 1/4 of the center's licensed capacity of the center at one time.

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

40.439.4 A center licensed before the effective date of the January 1, 2007, regulations shall maintain or have access to an outdoor play area with at least 50 square feet for each child for the maximum number of children who will use the playground at one time. The outdoor This play area shall be large enough to accommodate at least 1/4 of the center's licensed capacity of the center at one time. If the capacity of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the outdoor play area is in compliance with these regulations has at least 75 square feet for each child for the maximum number of children who will use the playground at one time.

40.539.5 A licensee shall ensure that the outdoor play area is situated adjacent next to or within close proximity to a close safe walking distance of the center, is available daily to the children by a safe route, and has This play area shall have a shaded rest area for children. Staff members shall inspect outdoor areas before children begin to play to ensure there are no hazards present and play equipment is safe for use. Outdoor sandboxes or play areas containing sand shall be maintained kept in a safe and sanitary clean manner including being covered when not in use. Use of trampolines is prohibited.

40.639.6 A licensee shall ensure that the center's outdoor play areas are fenced. Use of parks or other off-site play areas that are not fenced and used to comply with the outdoor space regulations requires OCCL approval.

39.6.1 Fencing shall be sturdy, safe, and reinforced at intervals so as to give support, constructed to discourage climbing, and not prevent observation of allow for viewing the children by staff.

39.6.2 and Fencing shall be a minimum of four feet in height with openings no larger than 3½ inches.

39.6.3 Fenced areas shall have at least two exits, with at least one being remote from the building.

39.6.4 Gates shall be equipped with have self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or of a type that made so small children cannot open it.

40.739.7 For a center licensed before the effective date of the January 1, 2007, regulations, the existing fencing shall be acceptable as long as it is safe, free from hazards, and in good repair. When the fencing is replaced, the new fencing shall fully comply with these regulations.

40.839.8 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. The fall zone depth and materials shall follow the instructions as listed in the most recent publication of the U.S. Consumer Product Safety Commission's or CPSC CPSC's Handbook for Public Playground Safety regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpscpub/pubs/325.pdf>). All materials used for protective surfaces shall be of a size that prevents choking and all surfaces of the outdoor play area shall be made of materials and material that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing. Protective surfaces of the fall zone shall extend at least six feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar unless otherwise directed by the CPSC or other recognized authority on playground safety.

Inches	Type of Material	Protects to Fall Height
6	Shredded/recycled rubber	10 feet
9	Sand	4 feet
9	Pea gravel	5 feet
9	Wood mulch	7 feet
9	Wood chips	10 feet

Poured-in-place surfacing or rubber mats designed for outdoor use, if used, must be in the required fall zone and at a sufficient depth or thickness as required by manufacturer's specifications or other approved entity.

40.939.9 Outdoor play equipment must be securely anchored unless portable by design. This play equipment must be in good repair, and placed with regard for safe use, and This play equipment must include equipment for vigorous play and large muscle activity, with attention to This play equipment must meet the needs of the diversity of children served and their abilities to participate.

40.1039.10 When a licensee can demonstrate that the outdoor space regulation cannot be met, the licensee shall provide at the site of the center, in addition to the indoor space required by these regulations, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity. The licensee shall have and follow a written plan approved by the OCCL which specifies how large muscle activity will be provided. When a licensee cannot meet the outdoor space requirement, the licensee shall provide a minimum of 700 square feet of open, accessible indoor play space for large muscle activity. This indoor play space must be on-site and is in addition to the 35 square feet per child requirement. The licensee shall have and follow a written plan approved by OCCL, which specifies how large muscle activity will be provided.

40.1139.11 For a center licensed before the January 1, 2007, regulations, the indoor play space as indicated in these regulations listed in subsection 39.10 may be at a nearby facility that was previously used and approved by the OCCL, unless If the capacity of the center increases or the physical plant of the center changes, allowing room for an indoor play space, the center must have 700 square feet of open indoor play space.

40.1239.12 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 feet in height.

#### **41.040.0 Riding Toys**

A licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child. These riding toys shall be in good condition, free of sharp edges or protrusions that may injure a child, and not motorized. All children Children over one year of age shall wear approved safety helmets while riding bicycles and while riding toys with wheels of 20 or more inches in diameter, (such as tricycles), or Riding bicycles, using wheeled equipment (roller blades, skateboards, etc.), and while standing on and using scooters with handles also requires children to use helmets. Helmets shall not be shared unless cleaned between users by wiping the lining with a damp cloth to remove head lice, nits, or fungal spores. Helmets shall be removed as soon as children stop riding helmet-required equipment.

#### **42.041.0 Sleeping Accommodations**

42.141.1 A licensee shall ensure that the program provides physical care routines including opportunities includes times for rest/sleep for each child in attendance appropriate to each child's individual physical needs. Preschool children not needing to rest/sleep shall have at least 30 minutes of quiet play daily. Full staff/child ratios shall be maintained during quiet play when children do not nap/sleep.

41.1.1 Rest or sleeping equipment shall meet the safety standards required by the U.S. Consumer Product Safety Commission CPSC or other recognized authority approved by the OCCL and maintained kept in a safe condition. Sleeping equipment is not required for children who do not nap.

41.1.2 The rest area shall be lighted enough to allow for visual supervision the children to be seen.

41.1.3 An alternative A quiet activity shall be provided for these children who have rested or slept for 30 minutes and do not seem to need or want additional more rest or sleep.

42.241.2 A licensee shall ensure that each child, except school-age children who do not sleep at the center, has clean, safe, age-appropriate individual rest equipment, such as This may be a crib, playpen, pack-and-play (without ripped mesh), cot, bed, or mat and permitted bedding. A child's rest equipment shall be labeled with the child's name or assigned chart number and used only by that child while attending the program. Chart numbers and assignments shall be documented, kept current, and available for review.

42.2.141.2.1 Mattresses and sleeping equipment shall be covered with non-absorbent, and cleanable coverings. Seasonably appropriate Children over age one shall be provided with top and bottom coverings, such as sheets and blankets, shall be provided for each child over the age of one year covers. Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet. A tight-fitting bottom mattress sheet is required for infants.

42.2.241.2.2 Cots, mats, and crib mattresses shall be cleaned with soap and water and then sanitized at least weekly and when soiled or wet. Rest Sleeping equipment and bedding shall be cleaned and sanitized before being assigned to another child. Sleeping mats Mats shall be stored so there is no contact with the sleeping surface of another mat or cleaned and disinfected after each use.

42.2.341.2.3 Each child under 18 months of age and not walking old who does not walk shall sleep in a crib, playpen, or pack-and-play. A child who is between 12 and 18 months of age and is walking old who walks may sleep on a cot, bed, or mat and permitted bedding with written permission from the child's parent/guardian.

42.341.3 A licensee shall ensure that cribs and other rest sleep equipment are placed at least 1½ feet apart while in use.

42.441.4 Safe Sleep Practices for Infants and Sudden Infant Death Syndrome or SIDS/Suffocation Risk Reduction

42.4.1 Cribs must meet the current standards of the U.S. Consumer Product Safety Commission CPSC or other safety authority recognized by the OCCL.

42.4.241.4.1 Cribs shall not be stacked while in use.

42.4.341.4.2 Crib mattresses shall be firm and tight-fitting to the frame with a tight-fitting bottom sheet only. Pillows, bibs, blankets, bumper pads, cloth diapers other than those worn by an infant, comforters, flat top sheets, quilts, sheepskin, sleep positioning devices (except as described in Subsection subsection 42.5 41.5), stuffed toys, top sheets, and other items (except a pacifier, if used) are prohibited in a crib, pack-and-play, and playpen. Toys or objects attached to sleeping or rest equipment cribs, pack-and-plays, or playpens are prohibited.

42.4.441.4.3 Soft surfaces such as soft mattresses, pillows, sofas, and waterbeds are prohibited as infant sleeping surfaces.

41.4.4 Cribs shall not have gaps larger than 2 3/8 inches between the slats.

41.4.5 Cribs, pack-and-plays, and playpens shall have top rails at least 20 inches above the mattresses. The mattress shall be set at its lowest position. Latches on cribs, pack-and-plays, or playpens shall be safe, secured, and hazard-free.

42.4.541.4.6 Swaddling of infants requires written parent/guardian consent. The use of blankets Blankets are prohibited for swaddling shall not be used when laying an infant down to sleep;. However, swaddle-blanket sleepers may be used.

42.541.5 Infants shall sleep only in cribs, playpens, or pack-and-plays. and Infants shall be placed on their backs when laid down to sleep or in accordance with the recommendations of as recommended by the American Academy of Pediatrics. An OCCL allows an exception may be granted if the infant's health care provider documents in writing that the infant's a physical or medical condition requires an alternative sleeping position or use of a sleep-positioning device. The health care provider must stipulate list the specific new sleeping position in which that infant must be placed or stipulate the sleep-positioning device and how to use it shall be used.

#### 43.042.0 Toilet Facilities

43.142.1 A licensee shall ensure that a center has enclosed toilet rooms inside the building on each floor where child care has been approved. Each toilet room shall have at least one sink with warm running water and one operable window or ventilation fan. All door locks, if present, must be designed to permit staff members to open the locked door readily.

43.242.2 A licensee shall ensure that a center serving toddlers, preschool, and school-age children has at least the number of toilets and sinks in the following ratios:

Ages of Children	Ratio of Number of Toilets to Number of Children <sup>1, 2</sup>
24 Months through preschool	1:10
School-age	1:25

<sup>1</sup> Urinals may be counted as half of a toilet for the purposes of this calculation if placed at a height as to be accessible to the age and size of the population served, provided the population served includes a significant number of males, and that a minimum of two flush toilets are available and accessible to both males and females.

<sup>2</sup> Staff members shall be counted at the school-age ratio in determining the number of toilets if the center does not provide separate toilet facilities for staff.

43.342.3 A licensee shall ensure that a center serving only children less than 24 months of age old has at least one toilet and sink when fewer than 20 children are served, and at At least two toilets and sinks when more than 20 children are served.

43.442.4 For a center licensed before the effective date of the January 1, 2007, regulations, the existing number of toilets and sinks shall be acceptable as long as the conditions of the original Environmental Health plan approval continue to be met. If the capacity or physical plant of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the toilets and sinks are in compliance with these regulations For a center licensed before January 1, 2007, the existing number of toilets and sinks shall be acceptable. If the capacity of this center increases, the licensee shall ensure the toilets and sinks are in compliance with these regulations.

43.542.5 A licensee shall ensure that potty chairs are not substituted for toilets, and, if used, If using potty chairs for toilet training, a licensee shall ensure they are placed in the toilet room. Potty chairs, when used, shall be constructed made of plastic or other non porous a waterproof material, and They shall be cleaned with soap and water and sanitized after each use in accordance with these regulations.

43.642.6 A licensee shall provide ensure liquid soap, toilet paper, and single-service paper towels or a mechanical hand-drying device are available at all times in the toilet rooms and make them accessible to the children.

43.742.7 A licensee shall ensure that toilet rooms are maintained kept in a sanitary condition and cleaned daily or more frequently if needed. All surfaces in a toilet room shall be smooth, cleanable, and non-absorbent.

#### **44.043.0 Sanitation**

44.143.1 A licensee shall ensure that areas and equipment specified in Subsection 44.2 are washed with soap and water, and then disinfected as required. Because of the variety of products and strengths available, providing a generic bleach and water dilution ratio for sanitizing and disinfecting is no longer possible. An EPA-registered product or other commercially prepared product for sanitizing and disinfecting shall be used following the manufacturer's instructions including dilution and contact time. These products and their instructions for use shall be available at all times. A licensee shall ensure that areas and equipment listed in subsection 43.2 are washed with soap and water, and then disinfected as required. For sanitizing and disinfecting, a licensee shall ensure one of the following is used: an EPA-registered product, a commercially prepared product, or a bleach and water solution. A licensee shall follow the manufacturer's instructions for use. These products shall be labeled with the contents. Their instructions for use shall be available at all times.

44.243.2 A licensee shall ensure that staff members wash with a soap and water solution and then disinfect the following equipment, items, or surfaces, as indicated listed below:

<b>After Each Use</b>	<b>At Least Daily</b>
Potty chairs which have first been emptied into a toilet	Toilet and toilet seats
Sinks and faucets used for hand washing after the sink has been used for rinsing a potty chair	Sinks and faucets
Diapering surfaces, as required in Subsection 47.4 subsection 46.4	Diaper pails and lids
Food preparation and eating surfaces such as counters, tables, and high chair trays	Drinking fountains
Toys mouthed by children	Water table and water play equipment
Mops used for cleaning shall be rinsed, disinfected, wrung dry, and hung to dry	Play tables
Plastic bibs (cloth bibs maybe used only once before laundering)	Rest mats that are not stored separately as specified <u>listed</u> in these regulations
Thermometers	Cleanable, non-absorbent activity mats such as those used for infant tummy time
	Smooth surfaced non-porous floors

#### **45.044.0 Hand Washing**

A licensee shall ensure that staff members and children wash their hands with soap and running water, including when gloves have been worn, and use single-service paper towels or a mechanical hand-drying device for drying hands, as follows:

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

Using shared play dough or clay	Outdoor play
	Cleaning
	Taking out the garbage

#### **46.045.0 Standard Precautions**

46.145.1A licensee shall employ standard precautions for protection from disease and infection. 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. A licensee shall ensure Standard Precautions are used to protect against disease and infection. Spills of body fluids (i.e. urine, feces, blood, saliva, and discharges from the nose, eyes, an injury, or other tissue) shall be cleaned up immediately, as follows:

46.245.1.1Spills of For vomit, urine, and feces on a surface including the floors, walls, bathrooms, tabletops, toys, toilet training chairs and diaper-changing tables, the area shall be immediately cleaned with soap and water and then disinfected.

45.1.2 For blood, blood-containing fluids, and tissue discharges, a licensee shall ensure staff members avoid exposure of open skin sores or mucous membranes, wear waterproof gloves, and clean the area with soap and water, and then disinfect.

46.345.1.3Non-porous gloves shall be used for spills of blood or blood-containing body fluids and injury and tissue discharges on a surface, which shall be immediately cleaned with soap and water and then disinfected. Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie. Bloody disposable diapers and material shall be put in a plastic bag, tied securely, and thrown away. Bloody clothing and reusable diapers shall be placed in a plastic bag, tied securely, and returned to the child's parent at pick up.

45.1.4Mops shall be cleaned, rinsed, disinfected, wrung, and hung to dry.

#### **47.046.0 Diapering and Soiled Clothing**

47.146.1 A licensee shall have and follow an established procedure for checking diapers for wetness and feces at least hourly, visually inspecting at least every two hours, and whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. A licensee shall have and follow a procedure for checking diapers for wetness and feces at least hourly and whenever the child acts as though the diaper is wet or soiled.

46.1.1 Diapers and other clothing shall be changed when they are found to be wet or soiled.

46.1.2 Diaper changes shall be documented for infants.

46.1.3 Soiled or wet clothing shall be changed and placed in a sealed plastic container or bag, labeled with the child's name, and returned to the child's parent/guardian at the end of the day.

47.1.146.1.4 The licensee shall ensure that keep a supply of clean diapers and extra clothing are available for each child either by providing them directly or requiring the parent/guardian to provide even if a parent/guardian does not provide them when required.

47.1.246.1.5 The licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and are placed in a sealed plastic container or bag separate from a child's wet or soiled clothing, labeled with the child's name, and returned to the child's parent/guardian at the end of the day. The licensee shall ensure soiled clothing and reusable diapers are not emptied or rinsed. Each shall be placed in a sealed plastic bag. The bag must be labeled with the child's name and sent home with the child at the end of the day.

47.246.2 A licensee shall ensure that a center has a diaper-changing area with that is not located in the kitchen. It shall have a clean, washable, and non-absorbent waterproof surface that shall not be located in the kitchen area.

46.2.1 Disposable covers for the diaper changing area shall be used for each diaper change.

46.2.2 There shall be a separate hand-washing sink with running warm water within five feet of the changing area. that is This sink must be cleaned with soap and water and disinfected before used for food preparation.

47.346.3 A licensee shall ensure that used disposable diapers are placed in a foot-activated container trashcan that is used exclusively only for diapers, lined with a leak-proof or impervious liner, This trashcan shall be within arm's reach of the changing area, inaccessible to children, lined with a plastic bag, and sanitized daily. 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 trashcan outside the building and used for trash collection.

47.446.4 A licensee shall have and follow ~~an established~~ a procedure for changing diapers that is posted in the diaper changing area and includes at least the following items:

46.4.1 Posting the diaper-changing procedure in the diaper-changing area;

47.4.146.4.2 The licensee shall ensure that staff members use a diaper changing area and dispose of disposable diapers and disposable covers in accordance with these regulations Using a diaper-changing area and disposable covers when changing diapers;

46.4.3 Disposing of diapers as stated in these regulations;

47.4.246.4.4 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 Washing each child during each diaper change with a clean wipe or washcloth; and wash their hands

46.4.5 Hand washing for people changing the diaper and washing the hands of the child with soap and water immediately after each diaper change; and

47.4.346.4.6 The diaper changing area shall be cleaned with soap and water and then sanitized with a disinfectant solution after each use in accordance with these regulations and the manufacturer's instructions Cleaning and disinfecting the diaper-changing area after each use.

#### **48.047.0 Food Service and Preparation**

48.147.1 On request by the OCCL At OCCL's request, a licensee shall contact the Division of Public Health before opening a center DPH to determine whether the center requires a Food Establishment permit.

48.247.2 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. A licensee shall not change the center's approved type of food operation without notifying OCCL and receiving approval.

48.347.3 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 center that does not prepare food on-site is exempt from Subsection 48.3 subsection 47.3. There can be no food preparation in the facility, except for heating up foods brought from children's homes in the microwave, and all When food preparation is not permitted, utensils and dishware must be single-service and discarded after each use. The minimum kitchen requirements for all centers that prepare meals or snacks are:

Prepare and Serve Snacks Only	Prepare and serve meals
Refrigerator;	<u>Full size refrigerator</u> <u>Refrigerator</u> ;
Three-compartment sink; - or - two-compartment sink and sanitizing basin; - or - two-compartment sink and dishwasher; and	Three-compartment sink; - or - two-compartment sink and sanitizing basin; - or - two-compartment sink and dishwasher;
Separate hand-washing sink	Separate hand-washing sink;
	Range or cooktop;
	Oven or microwave; and
	Food storage areas.

48.447.4 A licensee shall ensure that a kitchen or food preparation area has floors, walls, and counter surfaces that food comes in contact with are easily cleanable and waterproof.

48.547.5 A licensee shall ensure that a center has refrigeration with sufficient capacity a refrigerator to keep perishable food, including lunches prepared at home, cold to at 40° F or colder, and food stored in a freezer frozen at 0° F or colder. A working thermometer shall be in all refrigerators, and freezers, and freezer compartments. Freezer Unused freezer compartments in mini-refrigerators that are not used are excluded from this regulation do not need a thermometer.

48.647.6 A licensee shall ensure that all food provided and prepared by the center and then served to children by a center complies with the center's written policy on nutritional quality. is The food shall be clean, wholesome, free from spoilage and contamination, correctly labeled with contents and date of preparation, and safe for human consumption to eat. Storage Food storage areas for food shall be cleanable and free of food particles, dust, and dirt. All food items shall be stored off the floor. Food shall be stored separate from cleaning

materials, and Food shall be stored in closed or sealed containers that are labeled with the contents and expiration date.

48.747.7 A licensee shall ensure that the kitchen or food preparation area is constructed and supervised to prevent children's access by children unless a staff member is conducting a specific supervised an educational activity within the kitchen or food preparation this area.

#### **49-048.0 Emergency Planning**

49.148.1 A licensee shall have and follow a written emergency plan describing that describes procedures for both natural and man-made disasters. A licensee shall train staff members on the plan. The emergency plan shall include information and procedures for training staff for both natural and man-made disasters in at least in the following areas:

49.1.148.1.1 Disaster preparedness Preparing for a disaster;

49.1.248.1.2 Staff's Assigning specific responsibilities to staff members during a disaster;

49.1.348.1.3 Accounting for Keeping track of children and staff;

49.1.448.1.4 Relocation process Moving to a new location (if appropriate);

49.1.548.1.5 Communication and reunification Communicating with and returning children to families;

49.1.648.1.6 Accommodations Meeting the needs of infants, toddlers, and children with disabilities or chronic medical conditions;

49.1.748.1.7 Continuation of child care services in the period following Caring for children after the emergency disaster.

49.1.848.1.8 Contacting appropriate emergency response agencies and the parents/guardians; and

49.1.948.1.9 Lock Locking down procedures the center.

49.248.2 Monthly evacuation drills shall be practiced from all exit locations at varied during different times of the day, and during varied activities including nap time. Evacuation routes and a written evacuation plan of the center shall be posted in each room that the children use. Each drill shall be documented and include:

49.2.148.2.1 The Drill date and time of day of the drill;

49.2.248.2.2 Number of children and staff members who participated;

49.2.348.2.3 Exits used; and

49.2.448.2.4 Total amount of time necessary to evacuate the center.

49.348.3 A licensee shall develop and follow a written plan describing procedures to shelter in place (stay indoors) at the child care center for up to 24 hours due to a natural or man-made disaster that includes a list of emergency supplies including having a sufficient quantity of non perishable foods, bottled water, and equipment necessary to serve or prepare foods at the center without the use of electricity and have and follow procedures for feeding children and staff during the extended stay at the center A licensee shall develop and follow a written plan describing procedures to shelter-in-place at the center for up to 24 hours due to a disaster. The plan shall include a list of emergency supplies kept on-site, including enough foods that will not spoil, bottled water, and supplies to serve or prepare foods without the use of electricity.

48.4 A licensee shall complete a monthly fire prevention inspection and post the current report in a visible space.

#### **50.0 Firearms**

A licensee shall ensure that firearms or ammunition not be within the center's premises at any time. This regulation shall not apply to law enforcement officers in the performance of their official duties.

#### **51-049.0 Pets**

A licensee shall ensure that a pet kept by or located in the center is cared for in a safe and sanitary manner, and that A licensee shall keep proof of vaccination as prescribed required by State law is maintained on-site (currently this includes rabies vaccinations for dogs and cats). Poisonous or aggressive animals or animals that are known to be carriers of illnesses such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds or birds of the parrot family, or animals who are sick with a disease that can be spread to humans may not be kept or brought into the center. A licensee shall keep containers used for collecting animal feces or urine out of rooms used by children. A licensee shall inform parents/guardians of animals or pets kept or located in the center. Children shall handle animals only with adult supervision.

#### **52-050.0 Telephones**

52.150.1 A licensee shall ensure that a center has a working, publicly-listed telephone with phone number, an operating voice mail The phone must have a feature that allows a caller to leave a voice mail voicemail

message. Changes to The licensee shall provide the new phone number shall be provided to the parent/guardian, staff, and the OCCL within one business day if it changes.

52.250.2 A licensee shall post emergency telephone phone numbers by telephones accessible to staff members for ambulance or emergency medical services, police, fire departments (911), Poison Control Center, and the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).

## **53.0 51.0 Transportation**

53.151.1 Use of a 12-15-passenger van to transport children is prohibited unless purchased or leased by the facility before July 1, 1998. Official proof of purchase or lease is required. A licensee of a center that provides transportation for children shall ensure when transporting children that the operator driver, when employed by the center, and the vehicle, when owned or leased by the center and used to transport children, are in compliance with all applicable federal, and State, and local laws, and that A licensee shall ensure children are transported in compliance with all applicable laws including using child-safety restraints as required by State and federal child restraint laws. The operator of a vehicle transporting children for a center driver shall be at least 21 years of age old, have a valid driver's license that authorizes the driver to operate the vehicle being driven, and a comprehensive background check confirming suitability eligibility to be alone with children for routine transportation during transport. The operator of the vehicle driver does not need to be qualified by Delaware First. The driver shall not transport more people, including children and adults, than the vehicle's capacity of the vehicle. Use of a 12-15 passenger van to transport children is prohibited unless purchased or leased by the facility before July 1, 1998. Official proof of purchase or lease is required.

53.251.2 A licensee shall develop, follow, and inform the parent/guardian of the center's written transportation policy, that complies This policy must comply with current federal, and State, and local laws regarding transportation of children, and ensures that This policy must ensure each child is secured at all times in an individual safety restraint system, unless riding a school bus as described below. that is The safety restraint must be properly installed and appropriate to the child's age, weight, and height of the child while the vehicle, other than a school bus, is in motion. This policy shall have procedures that are followed to ensure that children are released only to people authorized by the parent/guardian and never left not unattended in a vehicle used by the center. If a school bus is used for transportation, a child preschool-age or younger shall be transported only when the bus is properly equipped with child safety restraints. An exception may be made when written permission is received from the parent/guardian gives written permission stating that his/her child may be transported without safety restraints and he/she has been informed that the National Highway Traffic Safety Administration recommends that children in this age group always be transported in school buses properly equipped with child safety restraints and that he/she gives permission allowing the child to be transported on a school bus unrestrained.

53.351.3 A licensee shall ensure that a vehicle vehicles used to transport children shall have and use the following:

53.3.151.3.1 Have and use an operable A working heater capable of maintaining a keeping an interior temperature of at least 50° F in the vehicle;

53.3.251.3.2 Have and use air-conditioning Air conditioning to reduce the interior temperature of the vehicle when it exceeds 85 82° F (school buses are exempt from Subdivision 53.3.2 subsection 51.3.2);

53.3.351.3.3 Have a A working telephone;

53.3.451.3.4 Have a A traveling first aid kit;

53.3.5 Load and unload children at the curbside of the vehicle or in a protected parking area or driveway;

53.3.6 Have locked doors, except for emergency doors which are required to remain unlocked, whenever the vehicle is in motion; and

53.3.751.3.5 Have a A dry chemical fire extinguisher approved by Underwriter's Laboratory.

51.4 A licensee shall ensure children are loaded and unloaded at the vehicle's curbside or in a protected parking area or driveway.

51.5 A licensee shall ensure all doors are locked when the vehicle is moving, except for emergency doors which are required to remain unlocked, whenever the vehicle is in motion.

53.451.6 A licensee shall obtain written parent/guardian permission from the parent/guardian for all transportation provided by the center. A licensee This permission shall document include the arrangements with agreed upon between the licensee and the parent/guardian and the child's school regarding transportation provided by the licensee and the pick-up and drop off times when driving a child to and from the child's school. A licensee shall inform the parent/guardian of the identity of each vehicle's operator who will be driving the vehicle or the transportation company company's name and require the parent/guardian to specify a ask about special need needs or problem of the child which might require special attention may have during transportation the ride.

## **54.052.0 Field Trips and Program Outings**

54.152.1 A licensee shall have and follow a plan for to keep track of children at all times during field trips or routine program outings that includes procedure(s) documenting that all children are accounted for at all times and documenting the transportation of children in the event of an emergency. Medical consent forms and emergency contact information for all children, a traveling first aid kit as described in these regulations, and a working telephone phone shall accompany staff and children on any trip or outing trips and outings. Children shall have tags or other means of providing the center's name and telephone phone number.

54.2 A licensee shall ensure that during field trips or routine program outings, the staff/child ratio is maintained in accordance with Subsection 54.3.

54.2.1 For a routine program outing where children are always contained in a buggy/stroller, classroom ratios shall be maintained in accordance with Section 30.0.

54.2.2 Volunteers shall count toward the staff/child ratio 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.

54.352.2 Staff/Child ratio for field trips and routine programs outings: 54.3.1 A licensee shall ensure that during field trips or routine program outings that do not require the use of vehicles and are in close proximity, a licensee maintains the following staff/child ratios with a minimum of two staff members present at all times except when the children are school-age:

	<b>Age of Child</b>	<b>Minimum Staff/Child Ratio</b>
Infant	Under 12 months	1:2
Young toddler	12 through 23 months	1:4
Older toddler	24 through 35 months	1:6
Young preschool child	36 through 47 months	1:8
Older preschool child	48 months or older and not yet attending kindergarten or higher	1:10
School-age child	Attending kindergarten or higher	1:15

52.2.1 For a routine program outing where children are always contained in a buggy/stroller, classroom ratios shall be maintained in accordance with Section 33.0.

52.2.2 Volunteers shall count toward the staff/child ratio for field trip or routine program outing purposes only if not accompanied by other children who are not enrolled at the center.

54.452.3 A licensee shall ensure that staff members or volunteering parents/guardians follow the transportation regulations when transporting children on field trips.

## **55.0 Health Care Consultation**

Except in instances when the licensee employs a registered nurse licensed in Delaware to provide health services, a licensee shall have specific arrangements with a health care provider who will agree to provide consultation on both routine and emergency health care for children.

## **56.053.0 Child Health and Well-Being**

A licensee shall have and follow 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 including method of transportation, notification of the parent/guardian, and illness exclusions including reportable communicable diseases. A licensee shall have a written plan for the routine and emergency health care of children. This plan shall include procedures to follow in case of illness; plans for accessing emergency services, including transportation and parent/guardian notification; and illness exclusions, including reportable communicable diseases.

## **57.054.0 Child Health Appraisal**

57.154.1 A licensee shall ensure that within one month following admission, the licensee has on file an age appropriate health appraisal including a record of administered immunizations conducted within the last 12 months before 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 applicable federal, State, and local laws and regulations. Health appraisals and immunization records shall be certified by a health care provider and updated within 13 months or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include A licensee shall ensure that within one month of starting care, each child's file has a health appraisal that includes an immunization record. A health care provider must have conducted this health appraisal within the last 12 months. A licensee does not need a

child's health appraisal if other federal or State laws such as specified in the McKinney-Vento Homeless Assistance Act require the center to admit a child without one. Health appraisals and immunization records shall be updated every 13 months. A licensee must keep the most recent health appraisal on file and it shall include:

57.1.154.1.1 A health history and;

54.1.2 physical Physical examination including growth and development and documentation of the results of recommended or required screening/testing such as for blood lead or tuberculosis; and

54.1.3 Growth and development;

54.1.4 Immunizations;

57.1.254.1.5 Recommendations regarding required medication, allergies, restrictions, or modifications of the child's activities, diet, or care, if applicable; and

54.1.6 medical Medical information pertinent to for treatment in case of emergency.

57.254.2 A licensee shall ensure that for not be required to update health appraisals for children in grades kindergarten or higher, a copy of the school age health appraisal must be on file at the center within 30 days of the child's enrollment or participation in the center as a school age child. A school age health appraisal does not need to be updated yearly after a licensee receives one completed after the child began kindergarten or a higher grade.

57.354.3 A licensee shall ensure that a child whose parent/guardian objects to immunizations on a religious basis or whose health care provider certifies that the immunization may be detrimental to the child's health will be exempt from the immunization requirement, provided the parent/guardian submits to the early childhood or school-age administrator a notarized statement explaining the exemption is in compliance with State law. A licensee shall ensure a child whose parent/guardian objects to immunizations on a religious basis or whose health care provider certifies that the immunization may be harmful to the child's health will be exempt from the immunization requirement. A notarized statement or documentation from a health care provider is required for this exemption. A licensee must place this documentation in the child's file.

## **58.055.0 Observation**

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, other evidence of ill health as listed in Section 59.0 56.0, and signs of child abuse or neglect. Specific concerns and observations as well as the steps taken to assist the child shall be documented in written form and maintained kept in the child's file. A person who suspects child abuse or neglect shall make a an immediate report to the Child Abuse Report Line.

## **59.056.0 Health Exclusion Exclusions**

59.156.1 A licensee shall not permit a child who has symptoms of illness specified listed below to be admitted to the center or remain at the center, unless written. The child can only return when the symptoms are gone or with documentation from a health care provider, or verbal with written follow up, states stating the child has been diagnosed and the illness or symptoms pose no serious health risk to the child or to other children. The symptoms of illness for exclusion shall include, but not be limited to, the following:

59.1.156.1.1 Temperature: infants four months old and younger: equivalent to 100° F or greater even if there has not been a change in behavior;

59.1.256.1.2 Temperature: children older than four months: equivalent to 101° F or greater, accompanied by behavior changes or other signs or symptoms of illness until medical evaluation indicates inclusion in the facility;

59.1.356.1.3 Symptoms and signs of possible severe illness, (such as unusual lethargy tiredness, uncontrolled coughing, inexplicable irritability, persistent crying, difficult difficulty breathing, wheezing, or other unusual signs) until medical evaluation allows inclusion;

59.1.456.1.4 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; if diarrhea is accompanied by fever, exclude for 48 hours following resolution of symptoms. Diarrhea: two or more times of loose stool during the past 24 hours; if diarrhea is accompanied by fever, exclude for 48 hours after the symptoms end;

59.1.556.1.5 Blood in stools not explainable by dietary change not due to change in diet, medication, or hard stools;

59.1.656.1.6 Vomiting illness of two or more episodes of vomiting in the previous 24 hours or one occurrence if accompanied by a fever until 48 hours following resolution of the symptoms or until a health care provider determines the cause of the vomiting is not contagious and the child is not in danger of dehydration

Vomiting: two or more times during the past 24 hours, or one time if accompanied by a fever, exclude for 48 hours after the symptoms end;

59.1.756.1.7 Persistent abdominal Ongoing stomach pain (continues more than two hours) or intermittent off-and-on pain associated with a fever or other signs or symptoms;

59.1.856.1.8 Mouth sores with drooling, unless a health care provider determines the condition is noninfectious;

59.1.956.1.9 Rash with fever or behavior change, until a health care provider determines these symptoms do not indicate a communicable disease;

59.1.1056.1.10 Purulent conjunctivitis Pink eye (defined as pink or red conjunctiva with white or yellow eye discharge), until 24 hours after starting antibiotic treatment has been initiated;

59.1.1156.1.11 Scabies, until 24 hours after starting treatment has been initiated;

59.1.1256.1.12 Pediculosis or head Head lice, until 24 hours after starting treatment has been initiated;

59.1.1356.1.13 Tuberculosis, until a health care provider states the child is on appropriate therapy and can attend care as directed by DPH;

59.1.1456.1.14 Impetigo, until 24 hours after starting antibiotic treatment has been initiated and lesions are dry;

59.1.1556.1.15 Strep throat or other streptococcal infection, until 24 hours after initial starting antibiotic treatment and cessation of fever ends;

59.1.1656.1.16 Varicella Zoster or chicken pox Chickenpox, until all lesions have dried and crusted (usually six days);

59.1.1756.1.17 Shingles, only if lesions cannot be covered by clothing or a dressing bandage; if not, exclude until lesions have crusted and are dry;

59.1.1856.1.18 Pertussis, until completing five days of antibiotic treatment;

59.1.1956.1.19 Mumps, until five days after onset of glandular swelling;

59.1.2056.1.20 Hepatitis A virus, until one week after onset of illness, jaundice, or as directed by the Delaware Division of Public Health when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff DPH;

59.1.2156.1.21 Measles, until four days after appearance of rash;

59.1.2256.1.22 Rubella, until seven days after appearance of rash;

59.1.2356.1.23 Herpetic gingivostomatitis or cold Cold sores, if the child is too young to have control of oral secretions saliva; or

59.1.2456.1.24 Unspecified illness if it limits the child's comfortable participation child is unable to participate in activities or if it results in a need for greater the center cannot provide care than can be provided without comprising for this child and the health and safety of other children.

59.256.2 Temperatures for children under four three years of age old shall be taken using a non-glass thermometer by the axillary method or under the arm or by the temporal scanner thermometer or a forehead scan. Oral temperatures may be taken on three and four year old children ages three and older when a digital thermometer is used. Rectal and ear temperatures may be taken only by a licensed health care professional.

59.356.3 A licensee shall ensure that if a child who has already been admitted to a center manifests illnesses or symptoms specified in these regulations shows signs of ill health, as listed above, the licensee will remove the child from the group of well children to a separate area as described in Section 39.0 38.0.

59.456.4 A licensee may permit a child to return to the center when the symptoms are no longer present gone, written documentation from the child's health care provider indicates states the child has been diagnosed and the illness or symptoms poses no serious health risk to the child or to other children, or the child does not present have symptoms for exclusion as contained listed in the center's written health exclusion policy.

59.556.5 A licensee shall report reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures DPH. For current information on reportable communicable these diseases, the licensee shall contact the Division of Public Health DPH or refer to the their website, currently listed as <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.

59.656.6 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 written documentation from the child's health care provider states the child has been evaluated and the disease presents no risk to the child or to others or the licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others. 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 A licensee shall not permit a child with a reportable communicable disease to be admitted to or remain at the center, unless he child's health care provider documents the child has been evaluated and the disease poses no health risk to the child or to others or DPH has advised that the child is not a health risk to others. If

the health care provider states the child can return and DPH says the child cannot return, the licensee shall follow DPH's instructions.

59.756.7 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. When a health care provider diagnosed a child as having a reportable vaccine-preventable communicable disease, a licensee shall exclude all children who were not immunized against the disease following DPH's instructions.

## **60.057.0 Administration of Medication**

60.157.1 A licensee shall ensure that a trained staff member who has received a valid Administration of Medication certificate from OCCL is present at the center at all times while a child who may be in need of medication is present. Only trained staff members who are at least 18 years of age old and authorized in accordance with State law, or health care providers, nurses, or other qualified medical health personnel are permitted to administer medication to children in a center. Written permission from the child's parent/guardian for each medication to be administered is required. Unused medication shall be returned to the parent/guardian when no longer needed by the child.

60.257.2 A licensee shall ensure that the parent/guardian of a child provides the following information for each medication given:

- 60.2.157.2.1 The name and birth date of the child;
- 60.2.257.2.2 Medication allergies;
- 60.2.357.2.3 Doctor's name and phone number;
- 60.2.457.2.4 Pharmacy name and phone number;
- 60.2.557.2.5 Name of medication;
- 60.2.657.2.6 Dosage (amount given);
- 60.2.757.2.7 Time or frequency (when given);
- 60.2.857.2.8 Route of administration (oral; eye, nose, or throat drops; topical);
- 60.2.957.2.9 Medication expiration date;
- 60.2.1057.2.10 End date (when to stop giving);
- 60.2.1157.2.11 Reason for medication; and
- 60.2.1257.2.12 Special directions.

60.357.3 A licensee shall ensure that all prescription medication is given as prescribed. Prescription medication shall be:

- 60.3.157.3.1 Stored securely and inaccessible to children out of children's reach;
- 60.3.257.3.2 Refrigerated, (if applicable) in a closed container separate from food;
- 60.3.357.3.3 In its original container and properly labeled with directions for its administration;
- 60.3.457.3.4 Current and not expired;
- 60.3.557.3.5 Authorized by the child's health care provider; and
- 60.3.657.3.6 Given only to the child whose name appears on the prescription in the manner and dosage specified in the instructions listed on the container container's instructions.

60.457.4 A licensee shall ensure that all non-prescription medication is given as instructed. Non-prescription medication shall be:

- 60.4.157.4.1 Stored securely and inaccessible to children out of children's reach;
- 60.4.257.4.2 Refrigerated, (if applicable) in a closed container separate from food;
- 60.4.357.4.3 In Stored in its original container, and properly labeled with directions for its administration;
- 60.4.457.4.4 Current and has not expired;
- 60.4.557.4.5 Labeled with the child's name; and
- 60.4.657.4.6 Given as specified in the instructions listed on the container container's instructions unless otherwise specified in writing by the child's health care provider.

60.557.5 A licensee shall keep a written record of medication administered to children recorded on the Medication Administration Record or MAR including medication dosage, time administered, by whom administered, adverse effects observed, and medication errors (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route). Adverse effects or errors in administering shall be immediately reported to the parent/guardian. When known to the center, adverse effects or errors in

administering medication that result in medical treatment shall be reported within one business day to the OCCL, followed by a written report within three business days. Documentation of the error or adverse effects shall be maintained in the child's file.

60-657.6 Documentation of administration of medication shall be placed in the child's file or in a central administration of medication log and kept while the child is enrolled in the center.

57.7 In addition to the requirements in subsection 57.2, if a child at a center has a medical need during center hours that requires the administration of medication by a non-intravenous injection, or other medical care that is not authorized in the Administration of Medication Guide, the parent/guardian may request a reasonable accommodation for the child's medical needs. The parent/guardian's request may be made at any time by completing a Medical Accommodation Form that can be found at the center or on OCCL's website (<http://kids.delaware.gov/occl/occl.shtml>). The Medical Accommodation Form shall supply the center with the following information:

57.7.1 Written parent/guardian permission for the center to provide the requested medical care; and

57.7.2 A written statement from the child's physician stating:

57.7.2.1 The specific medical care needed by the child;

57.7.2.2 That for the child's health, the requested medical care must be administered during the hours the child attends the center;

57.7.2.3 That the requested medical care may be appropriately administered at the center by non-medical child care staff; and

57.7.2.4 Whether any additional training is necessary for non-medical staff members to administer the medication or medical care appropriately. If additional training is required, the physician shall provide instructions including information about: the type of training, who may provide such training (which may include the child's parent/guardian), and any other instructions needed to provide the requested medical care.

57.8 If additional training is required, the licensee shall identify staff members who are currently certified to administer medication and have them complete the additional training specified by the child's physician. The licensee shall keep documentation of this training with the child's Medication Administration Record (MAR) and inform the parent/guardian in writing which staff members are authorized and trained to perform the requested medical care. This information shall be updated as needed. The licensee shall ensure that at least one staff member, who is eligible to provide the requested medical care, is present at the center at all times while the child is present.

57.9 If the child's parent/guardian is unable or unwilling to supply the identified information in subsections 57.2 and 57.7, the licensee shall deny the parent/guardian's Medical Accommodation Form and the licensee shall not permit non-medical staff members to administer medication by a non-intravenous injection or provide other medical care that is not authorized in the Administration of Medication Guide.

57.10 Upon receipt of a completed Medical Accommodation Form, the licensee shall have five business days to inform the child's parent/guardian and OCCL, in writing, whether the medical accommodation will be approved, approved with conditions, or denied. The parent/guardian and licensee may mutually agree to extend the five business days' notice if more time is needed, for example, to get the required documents.

57.10.1 If the application is approved with conditions and the parent/guardian does not wish to accept the conditions, the application will be considered denied.

57.10.2 A denial must include the reason(s) why the center is not able to make the requested medical accommodations.

57.10.3 The licensee may deny the requested medical accommodation if it will: fundamentally alter the nature of the center, create an undue hardship to the center, or create a direct threat to the health or safety of others at the center.

57.10.4 The parent/guardian may refer the denial to OCCL for a review as a possible regulation violation. OCCL shall follow their policies and procedures for corrective actions and enforcement actions, to address any possible regulation violations.

57.11 A school-age child may self-administer medical care with written parent/guardian permission and written physician permission. These permissions shall indicate the child is able to safely self-administer the prescribed medical care, identify and select the correct medicine and dosage, if applicable, and administer the medical care at the correct time and frequency. The licensee shall keep documentation of these permissions with the child's MAR. A staff member, who has a current administration of medication certificate, must be present during the self-administration and document all information required on the MAR, including that the medication was self-administered by the child.

57.12 Active medical accommodations shall be reviewed with the child's parent/guardian and physician yearly, and as needed. Reviews and changes shall be written, dated, agreed upon by all parties, and kept with the MAR.

#### **61.058.0 Child Accident and Injury**

61.158.1 A licensee shall ensure that when an accident or injury occurs to a child during the hours of care, a center's staff member takes emergency action to protect the child from further harm, calls emergency medical services if needed, and notifies the child's parent/guardian. When known, a licensee shall ensure when a child in care has an accident or injury a staff member gives assistance to protect the child from further harm. An ambulance shall be called, if needed. The child's parent/guardian shall be informed.

61.1.158.1.1 For a serious or potentially serious injury, the parent/guardian shall be notified immediately after center staff members have taken appropriate emergency action to assist assisted the child. For these injuries, a licensee shall document when the parent/guardian was informed or when calls were made to the parent/guardian or emergency contact, but no one answered.

58.1.2 A less serious accident or injury requires parent/guardian notification before releasing the child from care that leaves for the day.

61.1.258.1.3 The licensee shall maintain complete and keep a written accident or injury report in the child's file or a central log for the center for each incident, that includes The report shall include the name of child, date of injury, description of injury, how it occurred, first aid or medical care provided, and parent/guardian/authorized release person person's signature. The parent/guardian shall be provided a copy of the report on the day of the injury or within one business day.

61.1.3 The licensee shall maintain a written record for serious injuries of when the parent/guardian was notified or attempts to notify the parent/guardian.

61.258.2 In the event of a significant child medical event, such as a seizure, asthma attack, or severe allergic reaction, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child, including contacting emergency medical services as needed. If a child has a medical event, such as a seizure, asthma attack, or severe allergic reaction, the parent/guardian shall be notified immediately after assisting the child and contacting an ambulance, if needed.

61.358.3 When known, the licensee shall report to the notify OCCL when an accident or injury that results in death or medical/dental treatment other than first aid provided at the center, of a child as described in Section 13.0.

#### **62.059.0 First Aid Kits**

A licensee shall have at least one complete first aid kit in a location readily accessible to staff members but not to children. A first aid kit shall be taken on field trips/program outings. Contents of the The first aid kit shall include but not be limited to:

Items Required in Center for On-site First Aid Kits	Items Required in First Aid Kits Used on Field Trips/Program Outings
Disposable nonporous waterproof gloves	Disposable nonporous waterproof gloves
Scissors	Scissors
Tweezers	Tweezers
A non-glass thermometer to measure a child's temperature	A non-glass thermometer to measure a child's temperature
Bandage tape	Bandage tape
Sterile gauze pads	Sterile gauze pads
Flexible roller rolled gauze	Flexible roller rolled gauze
Triangular bandage or sling	Triangular bandage or sling
Safety pins	Safety pins

Eye patch or dressing	Eye patch or dressing
Pen/pencil and note pad	Pen/pencil and note pad
Instant cold pack <u>or</u> frozen ice pack	Instant cold pack
Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide	Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide
Small plastic, metal, or wooden finger splints	Small plastic, metal, or wooden finger splints
Non-medicated adhesive strip bandages	Non-medicated adhesive strip bandages
Plastic bags for cloths, gauze, and other materials used in handling blood	Plastic bags for cloths, gauze, and other materials used in handling blood
	Bottled water
	Liquid soap
	Emergency medications needed
	List of emergency phone numbers, Parents'/Guardians' parents/guardians' home and work phone numbers, and the Poison Control Center phone number

### **63.0 60.0Food, Water, and Nutrition**

63.160.1 A licensee shall ensure that drinking water is always available to children in their classrooms and outdoors and supplied to them on their request or available for self-service as appropriate.

63.260.2 A licensee shall have and follow a policy to address the needs of a child who is breastfed, including This policy shall include allowing a mother to breastfeed her child at a designated place in the center that is clean, removed from public view, and not located in a bathroom or kitchen.

63.360.3 A licensee shall ensure that appropriately timed meals and snacks are served in accordance with on the following schedule based on the number of depending on how many hours the child is present at the center:

Number of Hours	Meals/Snacks Required
2 hours - 4 hours	1 snack
4 hours - 6 hours	1 meal and 1 snack
7 hours – 11 hours	2 meals and 1 snack or 2 snacks and 1 meal based on time of child's arrival
12 hours or more	3 meals and 2 snacks

63.460.4 A licensee shall ensure that meals and snacks are provided by a center except when one of the following circumstances occurs:

63.4.160.4.1 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; The parent/guardian chooses to provide the child's food and provides a signed statement stating this choice. The center shall keep the statement on file;

63.4.260.4.2 The licensee makes it known to center does not provide meals or snacks and informs the parent/guardian at the time of application for enrollment that meals or and snacks are to be provided by the parent/guardian, and informs The center shall inform the parent/guardian of the importance of sending nutritional meals or snacks that meet the nutritional needs of children; or

63.4.360.4.3 The center has a field trip or a specific activity requiring special meal arrangements.

63.560.5 A licensee shall encourage modeling of healthy eating practices by adults to eat health foods when eating with children.

~~63.660.6 A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage, and clean up, and adheres to the center's policy on food service. 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. A licensee shall ensure staff members responsible for food service have knowledge of nutrition, sanitary food preparation, storage, and cleaning, and follow the center's policy on food service. Staff members' responsibilities for food service shall not reduce staff/child ratios, interfere with the center's program, or lessen supervision of children.~~

~~63.760.7 A licensee shall have and follow a written policy concerning food service, that is provided At enrollment, this policy shall be given to a parent/guardian at enrollment and when it is updated, that includes This policy shall include:~~

~~63.7.160.7.1 An assurance A statement that children are encouraged but not forced to eat;~~

~~63.7.260.7.2 Approximate times of snacks and meals;~~

~~63.7.360.7.3 Procedures to address food allergies (for foods provided by the center or parents/guardians);~~

~~63.7.460.7.4 A description of which food services will be provided by the licensee or by a parent/guardian~~

~~63.7.4.160.7.4.1 For meals or snacks provided by the center:~~

~~63.7.4.1.160.7.4.1.1 Procedures to address religious dietary requirements and other dietary requests or restrictions; and~~

~~63.7.4.1.260.7.4.1.2 The licensee's policy on whether additional servings of foods that meet the meal pattern requirements will be served to a child who is still hungry.~~

~~63.7.4.260.7.4.2 For meals and snacks provided by a parent/guardian:~~

~~63.7.4.2.160.7.4.2.1 Statements that meals or snacks shall be for the individual child and may not be shared with others;~~

~~63.7.4.2.260.7.4.2.2 Statements that foods intended for regular consumption or celebratory occasions must be clean and safe and comply with the center's written policy concerning the content of foods provided by a parent/guardian;~~

~~63.7.4.2.360.7.4.2.3 Written procedures to be followed to prevent spoilage of foods brought from home; and~~

~~63.7.4.2.460.7.4.2.4 Statements and procedures that the center will follow to provide a meal or snack to a child who has not brought one or both.~~

~~63.860.8 A licensee shall ensure that meals and snacks provided by the center:~~

~~63.8.160.8.1 Are in accordance with Follow the meal pattern requirements (see Appendix) which are adjusted according appropriate to the child's age of the infant and child;~~

~~63.8.260.8.2 Shall consist of foods based on the basic food groups as follows:~~

~~63.8.2.160.8.2.1 Milk: fluid pasteurized non-fat (skim) or low-fat 1.0% or 2.0% cow's milk for children over two years of age old. Infants shall be fed formula or breast milk. Children one to two years of age One-year-old-children shall be fed whole fluid pasteurized cow's milk when not on formula or breast milk;~~

~~63.8.2.260.8.2.2 Proteins or meat alternate: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;~~

~~63.8.2.360.8.2.3 Fruits and vegetables: include a variety of fresh, frozen, and canned vegetables and fruits without added sugar; and~~

~~63.8.2.460.8.2.4 Grains or breads: whole grain and enriched products such as breads, cereals, pastas, crackers, and rice.~~

~~63.8.360.8.3 May include juice, if 100% unsweetened juice, and not a juice drink or cocktail, is served;~~

~~63.8.460.8.4 May include powdered milk, if used only in cooking and not used as a substitute for fluid instead of liquid milk for drinking purposes;~~

~~63.8.560.8.5 Are planned in advance on a menu, dated, and posted in a prominent noticeable place.~~

~~63.8.5.160.8.5.1 Menus noting actual listing food served shall be retained by the center kept for 30 days. Changes made in actual to the food served on a particular certain date shall be documented written on the menu on or before that date.~~

~~63.8.5.260.8.5.2 A sample two-week menu of meals or snacks shall be submitted with their a renewal application.~~

~~63.960.9 A licensee shall ensure that special, therapeutic diets are prepared and served by center staff only upon written instructions by a health care provider. If a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a child's medical need such as food allergies or food intolerance, the parent/~~

guardian shall provide the center with written documentation from the child's health care provider permitting the modification. A licensee shall ensure that special, therapeutic diets are prepared and served by staff members only upon written instructions by a health care provider. A health care provider's written permission is required for a change of meal patterns (see Appendix).

63.1060.10 A licensee shall ensure that if when a parent/guardian requests a modification change of basic meal patterns (see Appendix) due to a family's food preferences or religious beliefs, the parent/guardian shall provide provides the center with written documentation specifying which a list of the foods that are unacceptable and the food substitutions allowed.

63.1160.11 Meal Components for Toddlers and Older Children

63.11.160.11.1 A licensee shall ensure that a breakfast provided and served by a center has at least one age-appropriate serving-size item each from the milk, fruit and vegetable, and grain or bread food groups as described in the appendix Appendix.

63.11.260.11.2 A licensee shall ensure that a lunch or dinner provided and served by a center has one age-appropriate serving-size item from each of the milk, meat or meat alternate, and grain or bread food groups and two items from the fruit and vegetable food group, as This information is described in the appendix Appendix.

63.11.360.11.3 A licensee shall ensure that a snack provided and served by a center has at least one age-appropriate serving-size item from two of the food groups as described in the appendix Appendix. If milk or 100% juice is not included with a snack provided and served by the center, water shall also be served with that snack.

63.1260.12 For foods prepared and served by the center, a licensee shall provide for the introduction of introduce a variety of food textures, finger foods, and a cup and utensils as appropriate in the training of for self-feeding and nutrition education. If needed, a licensee shall ensure food is cut to prevent choking.

63.1360.13 A licensee shall ensure that each individual child has his or her own utensils such as a fork, spoon, knife, dish, cup or bottle as appropriate to the child's age of the child, to eat with or be fed with. This equipment shall not be shared with another child during feeding.

60.14 All single-service dinnerware or utensils provided by the center for meals or snacks shall be discarded thrown away immediately after use.

## 64.061.0 Feeding of Infants

64.161.1 A licensee shall ensure that an infant is given foods and beverages provided to an infant are served drinks on demand or during a span of time consistent with according to the infant's eating habits according to using the following guidelines:

64.1.161.1.1 A written statement specifying foods and beverages including specific formula or breast milk and a feeding schedule shall be obtained from the parent/guardian for each infant at least on a monthly basis. Staff shall be trained on the proper handling, storage, preparation, and feeding of breast milk and formula if applicable to their program. A parent/guardian provides a written feeding statement listing the foods and drinks including specific formula or breast milk, an infant eats or drinks. This schedule shall be updated monthly or as needed;

61.1.2 mixing formula with cereal, juice, or other food or beverage other than water 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. Mixing prepared formula or breast milk in a bottle with anything requires written permission from an infant's health care provider.

64.1.261.1.3 A daily written record of each infant's nutritional intake shall be documented and provided to the parent/guardian daily. Feeding problems experienced by an infant shall be discussed with his/her parent/guardian before the infant's daily departure from the center; and A written record of each infant's food intake shall be shared with the parent/guardian daily. Feeding problems shall be discussed with the parent/guardian before the infant leaves that day; and

64.1.361.1.4 An infant shall be held for bottle feeding when too young to use a feeding chair or other age-appropriate seating apparatus. If an infant is able to hold a bottle and has established independence or a desire not to be held while fed, the infant shall be placed in a high chair or at a feeding table. An infant shall be held for bottle-feeding. When an infant is able to hold a bottle or does not want to be held while fed, the infant shall be placed in a high chair or at a feeding table; and

61.1.5 Introduction to all new foods and beverages shall be made only with the parent/guardian's permission.

64.261.2 A licensee shall practice paced bottle feeding or allowing the infant ensure infants are allowed to take breaks at during feedings. Infants shall be observed for signs of fullness and shall be allowed to stop a feeding when full unless written documentation from an infant's health care provider requires the feeding to continue;

64.361.3 A licensee shall not feed formula to an infant exclusively receiving breast milk, without parent/guardian permission. Parent/guardian permission is needed to feed formula to an infant receiving only breast milk;

64.3.161.3.1 A staff member shall not hold more than only one infant at a time for while bottle feeding;

64.3.261.3.2 At no time shall an infant be placed in a crib or sleeping, resting, or relaxing equipment with a bottle for feeding nor may a bottle be propped for feeding an infant. An infant shall never be placed in sleeping or relaxing equipment with a bottle or have a bottle propped for feeding;

64.3.361.3.3 Bottles and infant foods shall be warmed for no more than five minutes under running warm tap water or by placing them in a container of water that is no warmer than 120° F, and They shall not be warmed or thawed in a microwave oven. Bottles of breast milk shall be gently swirled to mix contents;

64.3.461.3.4 For infants four to seven months of age, semi-solid foods may be introduced as requested by the parent/guardian and shall be required once an infant is eight months of age unless written documentation from an infant's health care provider permitting a modification is supplied. For infants age four months or older, semi-solid foods may be fed as requested by the parent/guardian and shall be required once an infant is eight months old unless the parent/guardian provides documentation from the infant's health care provider stating otherwise;

64.3.561.3.5 Foods for infants shall be a texture and consistency that promotes safe and optimal consumption and served from a dish unless the entire contents of the jar will be served. Introduction to all new foods and beverages shall be made only with the parent's/guardian's permission. Foods for infants shall be a texture and consistency that helps them eat safely. Puréed foods must be served from a dish unless serving the entire contents of the jar;

64.3.661.3.6 Cow's milk shall not be served to infants;

64.3.761.3.7 Bottles and nipples maintained kept by center staff members shall be washed and sanitized before each use;

64.3.861.3.8 Each infant's bottle shall be individually labeled with the infant's name and refrigerated immediately after preparation by center staff members or on arrival if prepared by a parent/guardian;

64.3.961.3.9 Unused bottles shall also be dated as to when prepared if not returned to the parent/guardian at the end of each day;

64.3.1061.3.10 Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one hour from beginning of feeding. Unused portions of formula shall be thrown away after each feeding that exceeds one hour;

64.3.1161.3.11 Formula provided by parents/guardians or by the center shall come in a factory-sealed container. Formula shall be prepared from a factory-sealed container;

64.3.1261.3.12 Refrigerated, unused, prepared formula shall be discarded thrown away after 48 hours;

64.3.1361.3.13 Breast milk shall be fed only to that mother's own the infant it was intended for. Frozen breast milk shall be thawed under running cold water or in the refrigerator, gently swirled to mix contents, not shaken, and used within 24 hours. Expressed breast milk shall be discarded returned to the parent if it is in an unsanitary bottle or if it has been unrefrigerated for more than one hour four hours at room temperature. Refrigerated, unused, expressed breast milk that was never frozen shall be discarded returned to the parent after 48 hours, or by three months if Breast milk that was frozen and stored in a freezer at 0° F shall be thrown away after six months;

64.3.1461.3.14 Juices Juice may not be fed to infants until they are able to drink from a cup unless by written parent/guardian request; and

64.3.1561.3.15 Center staff shall encourage the use of a cup when a child is at least one year of age and is developmentally capable of drinking from or holding a cup. Staff members shall encourage the use of a cup when a child is at least one year old and is developmentally able to drink from or hold a cup.

## PART IV EARLY CARE AND EDUCATION

### 65.062.0 Positive Behavior Management

65.162.1 A licensee shall have and follow 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 provided to a parent/guardian and staff. A licensee shall have and follow an easy-to-understand written behavior management statement. The statement shall be posted in a noticeable place in the center and provided to a parent/guardian and staff.

65.262.2 A licensee shall ensure that all staff use prevention strategies, appropriate redirection rather than restraint, and positive developmentally appropriate methods of behavior management of children which encourage self-control, self-direction, positive self esteem, social responsibility, and cooperation. Staff may not handle children

~~roughly nor encourage or otherwise condone children hitting or disciplining each other. The center shall consult with professionals and with the parent/guardian to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need, including a behavioral or emotional disability. A licensee shall ensure staff members recognize and encourage acceptable behavior; supervise with an attitude of understanding and firmness; give clear directions and provide guidance at the child's level of understanding. In addition, staff members shall intervene quickly to ensure the safety of the child and others; redirect children by suggesting other acceptable behaviors; and speak so children understand their feelings are acceptable, but the behavior is not. As children develop, these methods shall encourage children to control their own behavior, cooperate with others, and solve problems by talking things out. The center shall consult with a child's parent/guardian and professionals, if necessary, to create a plan to correct unacceptable behavior.~~

~~65.362.3 A licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to children, other staff members, parents/guardians, and visitors while at the center. A licensee shall ensure staff members teach by example by always being respectful when speaking to children and others while at the center.~~

~~65.462.4 "Time-out", if used, shall be appropriate for the developmental age of the child, employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of behavior management, and not used with infants. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age. Before using "time-out", the staff member shall discuss the reason for the "time-out" in language appropriate to the child's level of development and understanding. A child removed from the group or room during a "time-out" shall remain under direct visual supervision at all times and shall never be left unattended behind closed doors. Before rejoining the group or at another appropriate time, staff shall talk to the child about alternatives to the inappropriate behavior in a way that encourages the child to make more positive decisions in the future. Time-out", if used, shall be used only as necessary to help the child gain control of behavior and feelings. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age. "Time-out" may not be used for infants. Before using "time-out", the staff member shall discuss the reason for the "time-out" in language appropriate to the child's level of development and understanding. A child removed from the group or room during a "time-out" shall be supervised. Before rejoining the group or at another time, a staff member shall talk to the child about ways to make better decisions in the future.~~

~~65.562.5 A licensee shall ensure that the following actions are prohibited:~~

~~65.5.162.5.1 Corporal Roughly handling a child or physical punishment inflicted on a child's body including shaking, striking, hair pulling, biting, pinching, slapping, hitting, kicking, or spanking;~~

~~65.5.262.5.2 Yelling at, humiliating, or frightening children;~~

~~65.5.362.5.3 Physically or sexually abusing a child by staff;~~

~~65.5.462.5.4 Making disparaging negative comments about a child's appearance looks, ability, ethnicity, family, or other personal characteristics traits;~~

~~65.5.562.5.5 Depriving children of food or toilet use as a consequence of inappropriate behavior Denying children food or toilet use for inappropriate behavior;~~

~~65.5.662.5.6 Tying, taping, chaining, caging, or physically or mechanically restraining a child by a means other than holding. The child may be held only as long as necessary for the child to regain control;~~

~~65.5.762.5.7 Punishing children for not going to sleep, a toileting accident, failure to eat all or part of food, or failure to complete a prescribed activity; or Punishing children for a toileting accident or failing to fall asleep, to eat food, or to complete an activity;~~

~~65.5.862.5.8 Withholding physical activity as punishment; or~~

~~62.5.9 Encouraging or allowing children to hit or punish each other.~~

## **66.063.0 Program Goals and Planning**

~~66.163.1 A licensee shall ensure that the program provides physical care routines (such as diapering/toileting, feeding, and hand washing hand washing) appropriate to each child's developmental needs.~~

~~66.263.2 A licensee shall develop written goals of what the center plans to accomplish for enrolled children's development and education. Goals shall include areas of physical, social-emotional, language/literacy, and cognitive development and be developmentally appropriate to the ages and developmental levels of for the children in attendance at the center enrolled. The curriculum goals and program of daily activities for each group of children shall be implemented by an assigned staff member in the position of early childhood teacher, school age site coordinator, who is qualified as at least an early childhood assistant teacher, school-age site assistant, or early childhood caregiver, with approval and monitoring by either the The early childhood~~

administrator, school-age administrator, early childhood curriculum coordinator, or school-age site coordinator when assigned this duty shall approve and monitor the assigned staff member's job performance.

66.363.3 A licensee shall have and follow a written lesson plan of varied, developmentally-appropriate activities designed to help all children preschool-age and younger reach the goals described in Subsection 66.2 subsection 63.2.

66.3.163.3.1 The lesson plan shall be current and posted for easy reference by parents/guardians and staff, unless the plan is available electronically for viewing. The plan shall be provided to parents/guardians.

66.3.263.3.2 The lesson plan shall include at least one daily activity for each goal specified listed in Subsection 66.2 subsection 63.2. Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be included.

66.3.363.3.3 The plan shall reflect show that the children have the choice to participate in at least four activities each day. The total time allotted for these These activities shall be conducted at least 1/3 of the time the child is in attendance present for a particular day.

66.3.463.3.4 Adaptations and accommodations of activities, adult-child interactions, teaching strategies, and materials or equipment shall be made as needed for children, including those with disabilities to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans Adult-child interactions, teaching strategies, activities, materials, and equipment shall be adapted as needed to support all children's learning, including those with goals described in IEPs, IFSPs, and Section 504 plans. A licensee shall allow services to be provided at the center for a child with these plans.

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

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

66.563.5 A licensee shall develop and follow a schedule for each group of children that is posted for easy reference by parents/guardians and staff. The schedule shall show blocks of time, including periods for active and quiet play or rest list times for the following activities: learning opportunities; indoor and outdoor activities play; and both free choice and staff-directed activities, rest or at least 30 minutes of quiet play, meals, and snacks. This schedule may be flexible based on the needs and interests of the children.

66.663.6 A licensee shall ensure that for toddlers and older children, indoor physical space is organized into identifiable activity areas where an identifiable space with related equipment and materials are kept in an orderly fashion, and are Daily opportunities to use these areas shall be documented on the lesson plan. These areas shall be accessible to children with daily opportunities documented on the lesson plan for children to learn in and include the following areas and materials:

66.6.163.6.1 Language and literacy, such as books and writing materials;

66.6.263.6.2 Dramatic play, such as play materials, furniture, dress-up, and props;

66.6.363.6.3 Construction/Blocks, such as unit blocks and accessories;

66.6.463.6.4 Creative arts, such as drawing materials, clay or play dough; and

66.6.563.6.5 Manipulative/Mathematics/Problem solving, such as puzzles, small construction toys, or objects to sort.

66.763.7 A licensee shall ensure that for toddlers and older children there are at least weekly opportunities documented on the lesson plan for children to learn in the following areas:

66.7.163.7.1 Cooking of food exploration/Healthy habits, such as talking about healthy habits or comparing the taste/texture of different foods;

66.7.263.7.2 Science and nature investigation, such as talking about the weather, observing insects/birds, having a leaf collection, blowing bubbles, or having a pet;

66.7.363.7.3 Music and rhythm, such as singing, simple instruments, or music toys; and

66.7.463.7.4 Multi-sensory play, such as sand or water play with containers, spoons, scoops, trucks or toy people.

66.863.8 A licensee shall ensure that each child one year and older, according to his or her ability, is provided the opportunity for a minimum of 20 minutes of moderate to vigorous physical activity indoors or outdoors, for every 3 hours the child is in attendance between the hours of 7 a.m. to 7 p.m. This active play opportunity may occur in one or more blocks of time daily. Structured physical activities shall be adapted to allow inclusion of children of all abilities A licensee shall provide chances for physical activity for each child one year and older, according to his or her ability. For every three hours the child is in care between 7 AM and 7 PM, 20 or more

minutes of moderate to vigorous physical activity indoors or outdoors shall be provided. Daily active play may happen in one or more blocks of time. Structured physical activities shall be adapted to allow inclusion of children of all abilities.

66.963.9 Weather permitting, infants, toddlers, and older children shall be provided with daily outdoor play. For infants, this may include riding in a stroller or carriage, but must also include opportunities for gross motor development, (such as unrestricted play on a surface that is safe and free of hazards, such as This may occur on a blanket, indoors or outdoors) or other hazard-free space.

66.1063.10 A licensee shall ensure that screen time activities such as television, digital video display or DVD, gaming devices, tablet and phone viewing, computer, and video cassette viewing be supervised by a staff member and limited to programs, games, and websites that are age appropriate and educational. Children shall be protected from exposure to inappropriate websites. Screen time activities are prohibited for children younger than two years of age and require written permission from the parent/guardian of all other children. Screen time shall not exceed one hour daily per child or group of children but may be extended for specific special events or occasions A licensee shall ensure screen time activities such as watching television, using a gaming device, tablet, phone, or computer are supervised by a staff member, age-appropriate, and educational. Screen time activities require written parent/guardian permission and are limited to one hour or less per day, unless a special event occurs. Children younger than two are prohibited from participating in screen time activities.

## **67.064.0 Documenting Children's Progress**

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

67.264.2 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 and toddler in care within 45 days of the first day of attendance. The plan shall include both age and individually appropriate goals and describe specific developmentally appropriate activities and experiences to be provided by staff members in support of these goals. Staff members shall record these and note developmental milestones, accomplishments, and concerns. Plans shall be reviewed and updated at least three times over a one year period. This information shall be shared with the child's parent/guardian.

## **68.065.0 Infant and Toddler Care**

68.165.1 A licensee shall ensure that approved safety gates approved by the American Society for Testing and Materials are provided and used in stairway areas where infants and toddlers are in care. Gates shall have latching devices that adults, but not children, can open easily in an emergency. Pressure or accordion gates shall not be used.

68.265.2 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 that must be used A licensee shall provide low chairs and tables or have infant seats with trays for table play and mealtime for children no longer being held for feeding. High chairs must have a wide base. A T-shaped safety strap must be used for infant seat with trays, high chairs, and feeding tables with attached seats.

68.365.3 A licensee shall provide a rocking chair or other comfortable adult-size seating for at least half of the staff members on duty in the infant area.

68.465.4 A licensee shall ensure that children under three years of age old do not have access to plastic bags except for small bags used in supervised activities, Styrofoam objects/cups/bowls/toys, latex balloons, and objects with a diameter of less than one inch wide.

68.565.5 A licensee shall ensure that prohibit the use of walkers with wheels are not used unless prescribed by a child's health care provider. A copy of the prescription or medical authorization shall be kept in the child's file.

68.665.6 A licensee shall ensure that staff keep written members have daily records of an infant's feeding, sleeping, diapering, and other routine activities, and share these These records shall be shared with the infant's parent/guardian at the end of each day.

68.765.7 This daily record shall include documentation that each infant was visually monitored checked every 30 minutes when placed in the crib, playpen, or pack-and-play to nap/sleep. Staff members are to observe the infant for normal breathing, signs of distress, and to be ready to assist and respond in case of emergency.

## **69.066.0 Interactions with Children**

**69.166.1** A licensee shall ensure that staff interacts with infants providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following: A licensee shall ensure staff members interact with infants. Staff members shall use activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

- 69.1.166.1.1** Offering frequent face to face face-to-face interaction with infants when they are awake;
- 69.1.266.1.2** Being held and carried;
- 69.1.366.1.3** Limiting time spent, while awake, in confining equipment such as a crib, infant seat, swing, high chair, or play pen to less than 30 minutes during which time an age appropriate activity shall be provided, immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided Limiting time spent in confining equipment such as a crib, infant seat, swing, high chair, or playpen to less than 30 minutes at a time while awake. Infants shall be provided with an age-appropriate activity during this time. After removing the infant from the equipment, the infant shall be able to move freely on the floor in a clean area protected from foot traffic;
- 69.1.466.1.4** Providing opportunities for large muscle activities appropriate to the infant's developmental level such as supervised tummy times for short periods of a few minutes, while the infant is awake;
- 69.1.566.1.5** Providing daily outdoor play opportunities as described in Subsection 66.9 subsection 63.9;
- 69.1.666.1.6** Talking with infants during play, feeding, and routine care;
- 69.1.766.1.7** Reading to and looking at books with infants while holding or sitting close to them;
- 69.1.866.1.8** Providing varied materials, sights, sounds, and other experiences for infants to explore with their senses;
- 69.1.966.1.9** Responding to infants' actions, sounds, and beginning language;
- 69.1.1066.1.10** Giving names to objects and experiences in the infants' environment;
- 69.1.1166.1.11** Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling, and standing; and
- 69.1.1266.1.12** Providing materials and encouragement for infants' beginning pretend play alone, with other children, and with staff.

**69.266.2** A licensee shall ensure that staff members interact with toddlers at their eye level, and whenever appropriate, sit on the floor with the toddlers, providing the following opportunities throughout the day, and by using Staff members shall use activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

- 69.2.166.2.1** Offering frequent face to face face-to-face interactions with the toddlers;
- 69.2.266.2.2** Having conversations with toddlers during play, feeding, and routine care;
- 69.2.366.2.3** Reading to and looking at books with toddlers individually and in small groups;
- 69.2.466.2.4** Encouraging children to play with one another with adult help;
- 69.2.566.2.5** Providing materials and encouragement for pretend play alone and with other children and adults staff;
- 69.2.666.2.6** Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
- 69.2.766.2.7** Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.8 subsection 63.8;
- 69.2.866.2.8** Limiting time spent, while awake, in confining equipment such as a crib, seat, swing, high chair, or play pen to less than half an hour immediately after which opportunities for freedom of movement are provided Limiting time spent in confining equipment such as a crib, seat, swing, high chair, or playpen to less than 30 minutes at a time while awake. Toddlers shall be provided with an age-appropriate activity during this time. After removing the child from the equipment, the child shall be able to move freely on the floor;
- 69.2.966.2.9** Responding to toddlers' words and actions with interest and encouragement;
- 69.2.1066.2.10** Giving names to objects and experiences in the toddlers' environment; and
- 69.2.1166.2.11** Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.

**69.366.3** A licensee shall ensure that staff members interact with preschool-age children at their eye level, and whenever appropriate, sit on the floor with the children, providing the following opportunities throughout the

day and by using Staff members shall use activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

- 69.3.166.3.1 Offering frequent face to face face-to-face interactions with children;
- 69.3.266.3.2 Having conversations with children during play, meals, and routine care;
- 69.3.366.3.3 Reading to and looking at books with children individually and in groups;
- 69.3.466.3.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;
- 69.3.566.3.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the center's environment;
- 69.3.666.3.6 Supporting the development of social competence through play and cooperative work with other children;
- 69.3.766.3.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
- 69.3.866.3.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
- 69.3.966.3.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.8 subsection 63.8;
- 69.3.1066.3.10 Responding to children's words and actions with interest and encouragement;
- 69.3.1166.3.11 Giving names to objects and experiences in the children's environment; and
- 69.3.1266.3.12 Supporting children's development of independence and mastery of skills.

~~69.466.4 A licensee shall ensure that staff offers activities that meet the widely differing needs and interests of school age children providing opportunities, materials, and equipment as described in Part VI, Additional Provisions for School Age Only Centers When caring for school-age children, a licensee shall ensure staff members provide activities, opportunities, materials, and equipment as described in Part VI, Additional Provisions for School-Age Only Centers.~~

## **70.067.0 Equipment**

- 70.167.1 A licensee shall provide developmentally-appropriate equipment and materials ~~in a quantity sufficient for a variety of indoor and outdoor activities for all children. There shall be enough equipment and materials for all children to use.~~ Materials and equipment shall ~~promote a variety of help provide many experiences and choices that support all~~ children's social-emotional, language/literacy, intellectual, and physical development.
- 70.267.2 A licensee shall ensure that for infants and toddlers less than 18 months ~~of age old~~, developmentally-appropriate supplies or equipment are provided in quantities as described in Subsection 70.1 subsection 67.1 in each of the following categories:
  - 70.2.167.2.1 ~~Sensory, supplies and equipment such as teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment similar items;~~
  - 70.2.267.2.2 ~~Language/dramatic play, supplies and equipment such as picture books, toy telephones, CDs, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment similar items;~~
  - 70.2.367.2.3 ~~Manipulative, supplies and equipment such as squeeze and grip toys, boxes, sorting and stacking toys, three or four piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment similar items;~~
  - 70.2.467.2.4 ~~Building, supplies and equipment such as soft lightweight blocks, toy cars, trains or boats, figures of animals and people, stacking rings or cups, nesting toys, or other comparable supplies or equipment similar items;~~
  - 70.2.567.2.5 ~~Large muscle, supplies and equipment such as: low climbers, slides, riding/rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other comparable supplies or equipment similar items; and~~
  - 70.2.667.2.6 ~~Music, supplies and equipment such as rhythm instruments, a CD player and CDs, toys with musical tones, musical mobiles or busy boxes, drums, xylophones or pianos, or other comparable supplies or equipment similar items.~~
- 70.367.3 A licensee shall ensure that for children over 18 months ~~of age old~~, developmentally-appropriate supplies or equipment are provided in quantities as described in Subsection 70.1 subsection 67.1 in each of the following categories:

70.3.167.3.1 Language/literacy, supplies and equipment such as books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, or classification, poetry, puppets, audio-visual materials, show and tell items, or other comparable supplies or equipment similar items;

70.3.267.3.2 Science and math, supplies and equipment such as plants and gardening equipment, aquarium with fish or other appropriate live animals, water table with supplies, sand table with supplies, cooking supplies, weather chart or thermometer, counting equipment, balance scale, or other comparable supplies or equipment similar items;

70.3.367.3.3 Manipulative, supplies and equipment such as puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies or equipment similar items;

70.3.467.3.4 Large muscle equipment such as rocking boat, wheel toys, climbers, slides, balance beam, barrels or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies or equipment similar items;

70.3.567.3.5 Building activities, such as unit blocks (minimum of four sizes), transportation toys, farm animals, play people, work bench and tools, building toys, building logs, or other comparable supplies or equipment similar items;

70.3.667.3.6 Art, supplies and equipment such as 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 or equipment similar items;

70.3.767.3.7 Music, supplies and equipment such as a CD player and CDs, piano or organ, guitar, rhythm sticks, drums, cymbals and bells, or other comparable supplies and equipment similar items; and

70.3.867.3.8 Dramatic play, supplies and equipment such as toy dishes, ironing board, telephones, occupational props or uniforms, dress-up clothes, housekeeping area (stove, sink, refrigerator), cradle or doll bed, doll carriage, dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment similar items.

70.467.4 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 licensee shall ensure toys and equipment used by the children are sturdy, safely assembled, hazard-free, and not recalled. Toys and equipment shall not cause children to become trapped or have rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, or small loose pieces.

70.567.5 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 shall reach a firm surface while the child is seated.

70.667.6 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.

70.767.7 A licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster raise awareness of other cultures and communities.

70.867.8 A licensee shall prohibit toys that explode or fire shoot objects.

## PART V ADDITIONAL PROVISIONS FOR NIGHT OVERNIGHT CARE

### 71.068.0 General

71.168.1 Night Overnight care may be provided by a center licensed to provide only night overnight care or as a component part of a licensed center.

71.268.2 A center licensed to provide only night overnight care shall be exempt from Section 40.0 39.0.

### 72.069.0 Staffing

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

72.269.2 A licensee shall ensure that a single staff member provides no more than 16 hours of child care within a 24-hour period 24 hours. with This staff member must have at least seven consecutive hours of rest off of the center's premises. No other employment shall be permitted during the hours of rest.

72.369.3 A licensee shall ensure that when children one year and older are sleeping at least half of the required staff members are physically present with the children and directly observing supervising the children.

72.469.4 A licensee shall ensure that at least two staff members are present and with the children at all times when seven or more children one year and older are present.

72.4.169.4.1 The licensee shall have and follow emergency procedures providing immediate access to emergency services and an additional staff when only one staff member is present with children at the center.

72.4.269.4.2 When only one staff member is present with the children, the staff member shall have no other responsibilities than providing direct child care during that time.

## **73.070.0 Activities**

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

73.270.2 A licensee shall ensure that each child is given individual attention at bedtime and upon awakening. The licensee shall discuss with the parent/guardian 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.

## **74.071.0 Sleeping Arrangements**

74.171.1 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. A licensee shall separate sleeping children from children who are awake.

74.271.2 A licensee shall ensure that school-age children school age and older do not share a dressing area with people of the opposite sex.

74.371.3 A licensee shall ensure that each child is provided with sleeping equipment as specified listed in Section 42.0 41.0.

74.3.171.3.1 For children sleeping four or more hours at the center during the evening or are sleeping overnight, the licensee shall provide, as appropriate to their age, a crib or individual bed with a mattress that is covered with sheets and, for non infants, a seasonably appropriate blanket. For children sleeping four or more hours at the center between the hours of 10:00 PM and 6:00 AM, the licensee shall provide the following:

71.3.1.1 An infant shall sleep in a crib, playpen, or pack-and-play;

71.3.1.2 A child under 18 months old who does not walk shall sleep in a crib, playpen, or pack-and-play;

71.3.1.3 A child between 12 and 18 months old who walks may sleep on a bed with safety rails with written parent/guardian permission;

71.3.1.4 Children 18 months old and older may sleep in a crib, playpen, or pack-and-play if the child fits comfortably or in an individual bed with a mattress that is covered with sheets and a blanket; and

71.3.1.5 A pillow with a pillowcase for each child in a bed.

74.3.2 The licensee shall also provide a pillow with a pillowcase for a child in a bed.

74.471.4 A licensee shall ensure that each child has individual, clean, and comfortable sleeping garments.

## **75.072.0 Bathing and Grooming**

75.172.1 A licensee shall follow the parent's/guardian's preference wishes regarding bathing the child and note this preference request in the child's record.

75.1.172.1.1 Each child shall be bathed individually and not placed together in a bathtub, shower, or portable bathing equipment.

75.1.1.172.1.1.1 Bathing equipment shall be cleaned with soap and water and sanitized before each use and equipped to prevent slipping.

75.1.1.272.1.1.2 An infant shall be bathed in age-appropriate bathing equipment.

75.1.1.372.1.1.3 No child may be bathed in a sink used for cleaning dishes or utensils.

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

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

75.272.2 A licensee shall ensure that no child is left unsupervised while in a bathtub or shower. A child capable of bathing alone shall be allowed to bathe in private with written parent/guardian permission from the parent/guardian. A staff member shall respect that child's privacy but be immediately available to ensure the child's safety and to offer assistance when help if requested by the child.

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

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

## PART VI ADDITIONAL PROVISIONS FOR SCHOOL-AGE ONLY CENTERS

### 76.073.0 General

76.173.1 School-age care may be provided by a school-age center that exclusively offers care, education, protection, supervision, or guidance for only school-age children before or after-school, during school holidays, or summer months.

76.273.2 A school-age center shall follow all regulations contained in this document except for these designated regulations in Part 1, General Provisions the following from which they are exempt:

73.2.1 Subsection 30.5 (Staffing Ratio);

73.2.2 Subsection 35.6 (Lead-paint Risk Assessments, when operating in a public or private school);

76.2.173.2.3 Subsection 36.14 35.17 (General Safety Practices – Outlet Covers);

73.2.4 Section 41.0 (Sleeping accommodations; unless there are children who nap/sleep at the school-age center);

76.2.273.2.5 Subsection 63.2 60.2 and Sections subsection 64.0 60.11 (Infant and Toddler Food and Nutrition);

76.2.373.2.6 Subsection 66.7 64.7.4 (Sensory Play);

76.2.473.2.7 Section 67.0 64.0 (Documenting Children's Progress);

76.2.573.2.8 Section 68.0 65.0 (Infant and Toddler Care);

76.2.673.2.9 Subsection 69.4 66.1 (Interactions with Infants);

76.2.773.2.10 Subsection 69.2 66.2 (Interactions with Toddlers);

76.2.873.2.11 Subsection 69.3 66.3 (Interactions with Preschool-Age Children);

76.2.973.2.12 Subsections 70.2 67.2 and 70.3 67.3 (Equipment); and

76.2.10 Section 42.0 (Sleeping accommodations; unless there are children who nap/sleep at the school-age only center); and

76.2.1173.2.13 School-age only programs located in a public or private school are exempt from the covered trash can trashcan requirement found in Subsection 36.7 subsection 35.7.

76.373.3 A volunteer who is working as part of an educational degree-granting program and assigned to a school-age only center must be fingerprinted for their educational institution and the center. This volunteer may not be alone with children unless qualified as specified listed in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the facility.

### 77.074.0 School-Age Staff Positions

#### 77.174.1 School-Age Administrator

77.1.174.1.1A licensee shall ensure that a school-age administrator is at least 21 years of age old and is fully qualified as an early childhood administrator with at least 15 clock hours of approved training in school-age care or meets the following education and experience qualifications:

Education	Area of Study/ Major	Regionally Accredited College or University Credits <sup>1</sup>	Experience <sup>2</sup>
At least a bachelor's degree or associate degree from a regionally accredited college or university	All areas of study	Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three-hour school-age elective of the learner's choice	18 months of experience working with children kindergarten through sixth grade in a group setting.

<sup>1</sup> Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as a school-age administrator. An administrator's credential may substitute for three college or university credits when issued by DOE or other approved agencies. Having an early childhood or school-age administrator's credential alone does not qualify a person as a school-age administrator.

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

**77.274.2 School-Age Site Coordinator.**

77.2.174.2.1A licensee shall ensure that a school-age site coordinator is at least 20 years of age old and is fully qualified as at least an early childhood curriculum coordinator or meets the following education and experience qualifications:

<b>Education</b>	<b>Area of Study/ Major</b>	<b>Regionally Accredited College or University Credits<sup>1</sup></b>	<b>Experience <sup>2</sup></b>
At least a high school diploma or equivalent recognized by the Delaware Department of Education <u>DOE</u>	Any	Successful completion of at least 12 college or university credits in recreation, elementary education, school-age care, or school-age administration	12 months of experience working with children kindergarten through sixth grade in a group setting.

<sup>1</sup> Possession of a school-age credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. A school-age credential may substitute for three college or university credits when issued by DOE or other approved agencies.

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

**77.374.3 School-Age Site Assistant**

77.3.174.3.1A licensee shall ensure that a school-age site assistant is at least 18 years of age old and is fully qualified at least as an early childhood assistant teacher or meets one of the following education and experience qualifications:

<b>Education</b>	<b>Area of Study/ Major</b>	<b>Regionally Accredited College or University Credits or Quality- Assured Training</b>	<b>Experience<sup>1</sup></b>
High school diploma or equivalent recognized by Delaware Department of Education <u>DOE</u>	All areas of study	Successful completion of three credits in recreation, elementary education, school-age care, or school-age administration - or - 45 clock hours of quality-assured training related to the needs of the school-age children served	Part-time employment for one school year from September to June providing education/care to children kindergarten through sixth grade in a group setting - or - Full-time employment during the majority of one summer season (June through August) providing education/care to children kindergarten through sixth grade in a group setting

High school diploma or equivalent recognized by Delaware Department of Education <u>DOE</u>	All areas of study	Successful completion of at least 15-clock- hours of quality-assured training in school-age care <u>within 12 months of employment</u> .	Part-time employment from September to June for two school years or full-time employment for one school year providing education/care to children kindergarten through sixth grade in a group <u>setting</u> - or - Full-time employment during the majority of two summer seasons (June through August) providing education/care to children kindergarten through sixth grade in a group <u>setting</u>
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<sup>1</sup>Supervised experience may be substituted for half of the required experience and will reduce it by half.

#### 77.474.4 School-Age Intern

77.4.174.4.1 A school-age intern must be at least 16 years of age ~~or 15 years of age~~ if If attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with verification of enrollment maintained on file at the center, a school-age intern may be 15 years old. This individual A school-age intern must be at least four years older than a child in his/her his or her direct care. A school-age intern must always be under the direct observation of at least a school-age site assistant. A school-age intern may not be alone with children, and except as stated in subsection 74.4.2. A school-age intern may count in the staff/child ratio. A school-age intern must meet one of the following qualifications:

#### Education

Successful completion of at least three college or university credits from a regionally accredited college or university in recreation, elementary education, school-age care, or school-age administration.  
- or -  
Successful completion of at least 15-clock-hours of quality-assured training in school-age care completed within 12 months of employment.  
- or -  
Successful completion of the education requirement for a higher level school-age position contained in these regulations.

77.4.274.4.2 While maintaining required ratios and group size, a qualified school-age intern may be alone with children when:

- 77.4.2.174.4.2.1 Walking children to or from a bathroom;
- 77.4.2.274.4.2.2 Walking children to or from receiving first aid treatment;
- 77.4.2.374.4.2.3 Walking children to or from a bus stop;
- 77.4.2.474.4.2.4 Walking children from one classroom or area to another within the center; and
- 77.4.2.574.4.2.5 Supervising an ill child while waiting for pick-up by a parent/guardian.

#### 77.574.5 School-Age Aide

77.5.174.5.1 A school-age aide must be at least 16 years of age ~~or 15 years of age~~ if If attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center, a school-age aide may be 15 years old. This individual A school-age aide must be at least four years older than a child in his/her direct care. A school-age aide always be under the direct observation of at least a school-age site assistant. A school-age aide may not be alone with children, and A school-age aide will count in the staff/child ratio only during the first 12 months of employment as a school-age aide at a single center.

#### 78.075.0 Staffing

78.175.1 A licensee shall ensure that a school age center has at least one staff member who meets the qualifications for the position of school age administrator. When a school age administrator is responsible for more than one center, the school age administrator is required to make, at a minimum, a continuous 30 minute documented visit per week at each school age center. A licensee shall ensure a school-age center has a qualified school-age administrator, who functions in that role. When a school-age administrator is responsible

for more than one center, the school-age administrator is required to visit each school-age center for at least 30 consecutive minutes each week. This visit is to be documented.

~~78.275.2 A licensee shall ensure that a school-age center has at least one 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 school-age center. A licensee shall ensure when the school-age administrator is responsible for more than one school-age center, each school-age center has a qualified school-age site coordinator, who functions in that role.~~

~~78.375.3 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 50% of the hours of operation.~~

~~78.475.4 A licensee shall ensure that a school-age site coordinator is responsible for no more than two school-age centers.~~

~~78.575.5 A licensee shall ensure that a school-age center has at least one staff member who at least meets the qualifications for and fills the position of school-age site assistant. A licensee shall ensure a school-age center has at least one school-age site assistant.~~

~~78.675.6 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 is present and specifically designated as responsible for the school-age center. This staff member shall have documented training in the day-to-day operations of the center with an emphasis on the and supervision of children and staff.~~

## **79.076.0 Outdoor Play Area**

~~79.176.1 A licensee shall have a safe outdoor play area. This outdoor area must be approved by the OCCL. This outdoor space for running and games may be provided at the center or by excursions outings to public or private playgrounds.~~

~~79.276.2 A licensee operating a school-age center at a public or private school may use that school's playground as the outdoor play area upon approval by the OCCL.~~

## **80.077.0 Food, Water, and Nutrition**

~~80.177.1 When provided and served by the facility, a licensee shall ensure that at a minimum, a nutritious snack comprised of one age-appropriate serving size item from each of two of the four food groups as described in these regulations is served to each child in after-school care. If milk or 100% juice is not included with a snack provided and served by the center, water shall also be served with that snack.~~

~~80.1.177.1.1 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 hours.~~

~~80.1.277.1.2 If milk or 100% juice is not included with a snack, water shall also be served with that snack.~~

~~80.277.2 A licensee shall ensure that drinking water is visible and always available to children in their classrooms and outdoors and supplied to them upon their request or available for self-service as appropriate.~~

## **81.078.0 Child Care Activities**

~~81.178.1 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.~~

~~81.1.178.1 As described in Subsection 70.3, supplies and equipment shall be adapted to suit the different ages and interests of the school-age children, including books for all reading abilities in sufficient quantities to allow children the opportunity to freely choose activities or materials. There shall be a system of sharing items such as computers that are in high demand but cannot be supplied to all children. As described in subsection 67.3, supplies and equipment shall be adapted to suit the different ages and interests of the school-age children, including books for all reading abilities. There shall be enough supplies and equipment to allow children the opportunity to choose activities or materials. There shall be a system of sharing high demand items, such as computers when they cannot be supplied to all children.~~

~~81.1.278.1.2 Children shall have the opportunity to take responsibility consistent with their ages for choosing, planning, carrying out, and evaluating their own activities including opportunities to experience a diversity of activities that reflect the various communities, languages, and cultures of the children in attendance. Children shall have the opportunity to be responsible for choosing, planning, carrying out, and evaluating their own activities depending on their ages. Children shall have opportunities to experience many activities that reflect the various communities, languages, and cultures of the children in care.~~

81.1.378.1.3 The daily schedule and daily or monthly activity plan for school-age children shall be posted and include the following opportunities for:

<b>Activities for School-Age Children</b>	
<b>Daily</b>	<b>Monthly</b>
Opportunities for moderate <u>Moderate</u> to vigorous active physical play such as active games, sports, dancing, running, jumping, climbing, or exploring the environment;	Opportunities to participate in <u>Working on</u> 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.
Opportunities for outdoor activities after school. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors; and <u>Outdoor activities or active physical indoor play when weather conditions do not permit outdoor play;</u> and	
Opportunities for socialization <u>Socialization</u> , conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.	

## APPENDIX

<b>FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN</b>			
<b>OCCL REQUIRED MEAL COMPONENTS</b>			
<b>MEAL COMPONENT</b>	<b>Ages 1 through 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
<b>BREAKFAST – Serve all 3 of the following components (meat/meat alternate is optional):</b>			
1. Milk, fluid (whole for 12-24 months; 2.0%, 1.0%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice <sup>1</sup> or vegetable	1/4 Cup	1/2 Cup	1/2 Cup
3. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Cereal – Dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – Hot	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate (optional)			
Lean meat, poultry or fish	1/2 Ounce	1/2 Ounce	1 Ounce
Cheese (No Cheese Food) <sup>2</sup>	1/2 Ounce	1/2 Ounce	1 Ounce
Cottage cheese	2 Tablespoons	2 Tablespoons	2 Tablespoons
Large egg	1/2 Egg	1/2 Egg	1/2 Egg
Peanut butter or other nut/seed butters	1 Tablespoon	1 Tablespoon	2 Tablespoons
Nuts or seeds	1/2 Ounce	1/2 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/4 Cup	1/4 Cup	1/2 Cup

<sup>1</sup> Juice: Only 100% unsweetened juice may be served.  
<sup>2</sup> Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

<b>FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN</b>			
<b>OCCL REQUIRED MEAL COMPONENTS</b>			
<b>MEAL COMPONENT</b>	<b>Ages 1 through 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
<b>LUNCH or DINNER – Serve the following 5 components:</b>			
1. Milk, fluid (whole for 12-24 months; 2.0%, 1.0%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice <sup>1</sup> / Vegetable	1/4 Cup	1/2 Cup	3/4 Cup
3. Fruit or vegetable			
4. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Grain or pasta	1/4 Cup	1/4 Cup	1/2 Cup
Cereal – dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – hot	1/4 Cup	1/4 Cup	1/2 Cup

5. Meat or meat alternate			
Lean meat, poultry or fish	1 Ounce	1 – 1/2 Ounce	2 Ounces
Cheese (No Cheese Food) <sup>2</sup>	1 Ounce	1 – 1/2 Ounce	2 Ounces
Cottage cheese	1/4 Cup	3/8 Cup	1/2 Cup
Large egg	1/2 Egg	3/4 Egg	1 Egg
Cooked dry beans/peas	1/4 Cup	3/8 Cup	1/2 Cup
Peanut butter or other nut/seed butters	2 Tablespoons	3 Tablespoons	4 Tablespoons
Nuts or seeds	1/2 Ounce	3/4 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/2 Cup	3/4 Cup	1 Cup

<sup>1</sup> Juice: Only 100% unsweetened juice may be served.

<sup>2</sup> Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN			
OCCL REQUIRED MEAL COMPONENTS			
MEAL COMPONENT	Ages 1 through 2	Ages 3 through 5	Ages 6 through 12
<b>SNACK – Serve 2 of the following 4 components:</b>			
1. Milk, fluid (whole for 12-24 months; 2.0%, 1.0%, or fat-free for age 2 and older)	1/2 Cup	1/2 Cup	1 Cup
2. Fruit /Juice <sup>1</sup> / Vegetable	1/2 Cup	1/2 Cup	3/4 Cup
3. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Grain or pasta	1/4 Cup	1/4 Cup	1/2 Cup
Cereal – dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – hot	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate			
Lean meat, poultry, or fish	1/2 Ounce	1/2 Ounce	1 Ounce
Cheese (No Cheese Food) <sup>2</sup>	1/2 Ounce	1/2 Ounce	1 Ounce
Cottage cheese	2 Tablespoons	2 Tablespoons	2 Tablespoons
Large egg	1/2 Egg	1/2 Egg	1/2 Egg
Cooked dry beans/peas	1/8 Cup or 2 Tablespoons	½ Cup or 2 Tablespoons	1/4 Cup or 4 Tablespoons
Peanut butter or other nut/seed butters	1 Tablespoon	1 Tablespoon	2 Tablespoons
nuts or seeds	1/2 Ounce	1/2 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/4 Cup	1/4 Cup	1/2 Cup

<sup>1</sup> Juice: Only 100% unsweetened juice may be served.

<sup>2</sup> Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO INFANTS			
OCCL REQUIRED MEAL COMPONENTS			
MEAL COMPONENT	Birth through 3 Months	4 through 7 months	8 through 11 months
<b>BREAKFAST – Serve the following 3 components:</b>			
1. Breast Milk or Formula	4 – 6 fluid ounces	4 – 8 fluid ounces	6 – 8 fluid ounces
2. Infant Cereal	None	0 – 3 Tablespoons	2 – 4 Tablespoons
3. Fruit or Vegetable or both	None	None	1 – 4 Tablespoons
<b>LUNCH OR DINNER – Serve the following 4 components:</b>			
1. Breast Milk or Formula	4 – 6 fluid ounces	4 – 8 fluid ounces	6 – 8 fluid ounces
2. Infant Cereal	None	0 – 3 Tablespoons	2 – 4 Tablespoons
3. Fruit or Vegetable	None	0 – 3 Tablespoons	1 – 4 Tablespoons
4. Meat or Meat Alternate			
Lean meat, poultry, fish, egg yolk, cooked beans or peas	None	None	1 – 4 Tablespoons
Cheese (No Cheese Food) <sup>1</sup>	None	None	1/2 – 2 ounces
Cottage Cheese	None	None	1 – 4 ounces
<b>SNACK – Serve the following 2 components:</b>			

1. Breast Milk or Formula	4 – 6 fluid ounces	4 – 6 fluid ounces	2 – 4 fluid ounces
2. Grain or Bread			
Bread	None	None	0 – 1/2 Slice
Crackers	None	None	0 – 2 Crackers

<sup>1</sup> Cheese: Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

**10 DE Reg. 1044 (12/01/06)**

**18 DE Reg. 974 (06/01/15)**

**21 DE Reg. 790 (04/01/18) (Prop.)**