Homes and Centers

103 Regulations for Family and Large Family Child Care Homes

1.0 Legal Base

The legal base for these licensing regulations is in 31 **Del.C.** §§341-345 and 29 **Del.C.** §9003(7).

2.0 Purpose

The purpose of these regulations is to protect the health, safety, well-being, and positive development of children who receive child care in family and large family homes. These regulations reflect Delaware's minimum standards for the care, education, protection, supervision, or guidance of children in licensed family and large family homes. A licensee may choose to exceed these regulations set forth by the Office of Child Care Licensing (known hereafter as OCCL) by joining Delaware Stars for Early Success or by a licensee's own efforts.

3.0 Definition of Regulated Services

3.1 Family child care is a licensed child care service offered by a person or a person who formed an entity. OCCL names this person or entity a licensee. A licensee provides this service on a regular basis for part of a day and children attend without a parent/guardian. A licensee is paid for the service. There are two types of family child care; a level I may have a maximum of six or five children depending on their ages and a level II may have a maximum of nine children. Children living in the home who do not attend kindergarten or a higher grade count in these numbers. These regulations describe the ages of children allowed to be present in each type. A licensee provides care, education, protection, supervision, or guidance to children in his or her private home. Child care provided only to a person's own children, grandchildren, nieces, nephews, and stepchildren does not require a family child care license.

3.2 Large family child care is a licensed child care service offered by a person or entity, such as an agency or company. OCCL names this person or entity a licensee. A licensee provides this service on a regular basis for part of a day and children attend without a parent/guardian. A licensee is paid for the service. A licensee may have a maximum of 12 children. Children living in the home who do not attend kindergarten or a higher grade count in these numbers. A licensee provides care, education, protection, supervision or guidance to children in a private home or non-residential setting. Child care provided only to a person's own children, grandchildren, nieces, nephews, and stepchildren does not require a large family child care license.

GENERAL PROVISIONS

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.

"**Administrative hearing**" means the hearing provided to a licensee or applicant when requesting an appeal of OCCL's decision to place the facility on an enforcement action, such as warning of probation, probation, suspension, revocation, or denial. A licensee or applicant must show evidence to dispute the action. Licensees or applicants, at their expense, may appeal hearing decisions for revocations and denials to Delaware Superior Court for a final review.

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

"**Agreement of understanding**" means a document that is part of a corrective action plan or used when necessary to ensure regulation compliance.

"**Applicant**" means a person or entity applying for a child care license through OCCL.

"**Associate caregiver**" means a staff member who works under the supervision of a caregiver and provides child care at a large family child care home licensed before January 1, 2009. The associate caregiver is renamed large family assistant in these regulations.

"**Background check**" means a State of Delaware and federal (national) fingerprinted report of a person's entire criminal history, a Department of Services for Children, Youth and Their Families child protection registry check, and other checks as required by State or federal law.

"**Business day**" means a weekday Monday through Friday not including State of Delaware legal holidays that fall on a weekday.

"**Capacity**" means the total number of children, excluding school-age household members that may be present at one time.

"**Caregiver**" means the staff member responsible for the total program including providing child care at a large family child care home that was licensed before January 1, 2009. The caregiver is renamed large family provider in these regulations.

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

"**Child care**" means providing care, education, protection, supervision, or guidance of children in a family or large family child care home.

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

"**Child care licensing supervisor**" or "**licensing supervisor**" means an OCCL employee responsible for performing supervisory and regulatory activities including monitoring child care facilities, investigating complaints, monitoring the need for enforcement actions, and making recommendations for licensure as set forth in Delaware Code and these regulations.

"**Child neglect**" means a person responsible for a child failed to provide 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 **Del.C.** §901.

"**Child sex abuse**" means an act against a child that is described as a sex offense or child exploitation as defined in 11 **Del.C.** §8550(2).

"**Child with disabilities**" means a child diagnosed by a qualified professional as having a physical, intellectual, emotional, or developmental disability, or chronic medical condition. This disability may require modifications in the regular program of activities for that child at a home as listed in an individual education program or “IEP,” individualized family service plan or “IFSP,” or as defined by applicable federal and State laws.

"**Clock hour(s)**" means the actual number of hours a person spends attending the instructional portion of a training designed to develop or enhance child care skills.

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

"**Compliance review**" means an inspection of the home, grounds, and files to determine compliance with these regulations.

"**Conference**" means a meeting between OCCL and a licensee to discuss non-compliance of a serious or repeated nature. If a licensee does not correct this non-compliance as stated in a corrective action plan or agreement of understanding, this may result in an enforcement action. 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.

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

"**CPSC**" means the U.S. Consumer Product Safety Commission.

"**Denial**" means the process of refusing to grant a license after OCCL receives an application.

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

"**Direct voice contact**" means a licensee or staff member is required to speak with an OCCL licensing specialist, licensing supervisor, or administrator by calling or 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.

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

"**Enforcement action**" means an action taken by OCCL to promote compliance, such as warning of probation, probation, suspension, revocation, or denial.

"**Family child care home**" or "**family home**" means a private home in which a licensee lives and provides licensed child care.

"**Family child care license**" means a document issued by OCCL allowing a person or entity to operate a family home after demonstrating compliance with these regulations and other applicable codes, regulations, and laws.

"**Family provider**" means the person responsible for the total program including providing child care and managing the administrative aspects of a family child care home.

"**Home**" means both family and large family child care homes.

"**Household member**" means a person living in or spending the night in a family or large family home for more than 30 days within a year.

"**Infant**" means a child less than 12 months old.

"**Institutional abuse**" means a child is the subject of abuse or neglect while in out-of-home care as defined in 10 **Del.C.** §901.

"**Large family aide**" means the staff member who works under the direct supervision of the large family provider, large family assistant, or substitute and provides child care at a large family home. This staff member may not be alone with children.

"**Large family assistant**" means the staff member who works under the supervision of the large family provider and provides child care at a large family home. This staff member may provide direct supervision of a large family aide and meets the qualifications listed in these regulations.

"**Large family child care home**" or "**large family home**" means a private home or a non-residential property where a licensee offers licensed child care.

"**Large family child care license**" means a document issued by OCCL allowing a person or entity to operate a large family home after demonstrating compliance with these regulations and other applicable codes, regulations, and laws.

"**Large family provider**" means the staff member responsible for the total program including providing child care and, when applicable, managing the administrative aspects of a large family child care home. This staff member may supervise large family assistants, large family aides, and substitutes and meets the qualifications listed in these regulations.

"**Licensee**" means the owner or entity, such as a company, corporation, business, or agency, legally responsible for a family or large family home.

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

"**NRTL**" means Nationally Recognized Testing Laboratory, such as Underwriter's Laboratories.

"**Office of Child Care Licensing**" or "**OCCL**" means the agency within the department authorized under 31 **Del.C.** §§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 PM and 6 AM, when four or more hours are during a 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.

"**Preschool-age child**" means a child age three through five not yet attending kindergarten. If a child is older than age five and not attending kindergarten or a higher grade, OCCL considers that child in the preschool-age group.

"**Private home**" means a non-public residence, such as a house, duplex, townhouse, apartment, or mobile home, where a licensee lives and has control over the furnishings and use of space.

"**Probation**" means an enforcement action initiated by OCCL because of noncompliance with these regulations. The division director approves this action. This action directs a licensee to correct all non-compliances and maintain compliance or face revocation or denial.

"**Provisional license**" means a license issued for a maximum period of three months when a licensee is temporarily unable to comply with DELACARE Regulations. There can be no serious risk to the health, safety, and well-being of children. A licensee operates under a corrective action plan or an agreement of understanding. An extension beyond this time requires administrator approval.

"**Regulation**" means a minimum standard required for a specific part of child care established by OCCL and known as DELACARE: Regulations for Family and Large Family Child Care Homes.

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

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

"**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.

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

"**School-age child**" means a child who attends or has attended a kindergarten or a higher grade out of the home.

"**Staff member**" means a licensee, a large family provider, a large family assistant, a large family aide, or a substitute.

"**Substitute**" means an adult selected by a licensee to provide child care in a family or large family home. The substitute may provide care when a licensee, large family provider, large family assistant, or large family aide is not present due to an emergency or non-emergency situation. The substitute may be present when a licensee or staff members are present but a licensee wants another person to help provide care. OCCL must approve substitutes. OCCL considers this person a staff member.

"**Supervision**" or "**direct supervision**" (of children or staff members) means a licensee or staff members are physically present in the same room or area, including outside, with children or staff, are visually monitoring the interactions of children or staff, and are alert to problems that may occur.

"**Suspension order**" means a letter sent by OCCL stating a licensee must stop providing child care as of a specific date. While the license is suspended, a licensee cannot provide child care.

"**Toddler**" means a child over 12 months old and under 36 months old.

"**Variance**" 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, adult**" or "**adult volunteer**" means a person at least 18 years old who provides an unpaid service or support to a family or large family home.

"**Volunteer, youth**" or "**youth volunteer**" means a person at least 13 years old who provides an unpaid service or support to a family or large family home. OCCL must approve youth volunteers before they begin volunteering.

"**Warning of probation**" means an enforcement action initiated by OCCL because of noncompliance with these regulations. The administrator approves this action. This action directs a licensee to correct all non-compliances and maintain compliance or face probation or another enforcement action.

5.0 Authority to Inspect

5.1 Applicants, licensees, household members, and staff members, if applicable, shall allow access to the home during the hours of operation. This includes access to information, files, documents, and if there is a question of regulatory compliance then access to unlicensed space. Access shall be granted to officials from OCCL, other State and local agencies that ensure the home is safe, and to agencies providing payment for child care services.

5.2 Applicants, licensees, household members, and staff members, if applicable, shall allow and not prevent the interviewing of a staff member, household member, child in care, or child's parent/guardian by officials from OCCL or other State and local agencies. Interviews will occur to determine compliance with these regulations and other applicable codes, regulations, or laws.

5.3 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.

6.0 Application Process

6.1 An applicant shall complete the following steps and submit the following information to OCCL when seeking a license:

6.1.1 Attend OCCL's information session and orientation to learn the application process and regulations;

6.1.2 Submit a completed application including all required materials and a statement that the applicant:

6.1.2.1 Intends to follow these regulations and other applicable codes, regulations, and laws;

6.1.2.2 Intends to provide child care for the majority of the licensing year; and

6.1.2.3 Has provided information that is true to the best of the applicant's knowledge;

6.1.3 Submit proof of compliance with zoning codes, and, if applicable, other codes, regulations, or laws, such as Division of Revenue or Department of Natural Resources and Environmental Control;

6.1.4 Submit plans to the State fire marshal or designated fire marshal when located within the city limits of Wilmington, Newark, New Castle, or Dover;

6.1.5 Submit fire marshal approval for the plans and inspection of the home;

6.1.6 Provide proof of an electrical inspection of the home conducted by a State fire marshal-approved inspection agency;

6.1.7 Submit current certifications in cardiopulmonary resuscitation or "CPR" and first aid for the ages of the children in care. Applicants for large family homes are exempt from this requirement if not serving as a staff member;

6.1.8 Submit the names, addresses, phone numbers, and email addresses for three references who are familiar with, but not related to, the applicant and can describe the applicant's interactions with children;

6.1.9 Complete a release of employment form that allows OCCL to collect service letters as per 19 **Del.C.** §708. The form will list the applicant's current or most recent employer and all health care and child care facilities where the applicant worked within the past five years. If an applicant has no former employer, the applicant shall provide information for two more references;

6.1.10 Complete fingerprinted background checks for the applicant, all adult household members, and substitutes. When OCCL has a reason to believe the health, safety, or welfare of a child in care may be at risk, OCCL may request parent/guardian permission for a background check on a child household member and other medical, psychological, counseling, school, probation, or division records;

6.1.11 Submit documentation of any case where the applicant gave up or lost custody of a child, if applicable;

6.1.12 Provide health appraisals for the applicant, all adult household members, and the substitute completed within one year before the application date that includes a tuberculosis or "TB" test or risk assessment. This appraisal shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required;

6.1.13 Provide health appraisals for child household members not yet attending kindergarten or a higher grade; and

6.1.14 Complete and submit documentation of pre-service training in the following topics, if the applicant will work with children:

6.1.14.1 Six hours of quality-assured child development;

6.1.14.2 Three hours of quality-assured positive behavior management/social emotional development;

6.1.14.3 Prevention and control of infectious diseases, including immunization;

6.1.14.4 Safe sleep practices, including prevention of sudden infant death syndrome;

6.1.14.5 Prevention of shaken baby syndrome and abusive head trauma;

6.1.14.6 Prevention of and response to food allergies;

6.1.14.7 Building and physical grounds safety;

6.1.14.8 Emergency preparedness and response planning;

6.1.14.9 Child abuse recognition and reporting requirements;

6.1.14.10 Storage of hazardous materials and biocontaminants;

6.1.14.11 Administration of medication, if applicable; and

6.1.14.12 Safety measures in transporting children, if applicable.

7.0 Issuance of a License

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 provisions of Delaware Code. To operate a home, 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 home sells, closes, relocates, or when the license has been suspended or revoked, the license immediately becomes void. A family home licensee must live in and provide care in a private residence. A large family home licensee may provide care in either a licensee's private residence or a commercial property, if permitted by zoning.

8.0 License Renewal

A licensee shall submit a completed license renewal application to OCCL 60 days before the current license expires. An application not received 60 days before the license expiration is late. OCCL may issue an annual or provisional license after a licensing specialist completes a compliance review. The existing license shall not expire until OCCL makes a decision on a timely-submitted renewal application. When a licensee submits a renewal application after the license expires, the new license will start the date OCCL received the application.

9.0 License Suspension

9.1 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 a licensee shall stop providing care. OCCL will send written follow-up to a verbal suspension order within three business days. A written suspension order shall state the reason or reasons for the enforcement action.

9.1.1 Within 10 business days after the issuance of the written order, a licensee must choose to close permanently, remain suspended until a licensee corrects the reason for the suspension, request a hearing, or remain suspended.

9.1.2 The hearing shall be scheduled and held within 10 business days of a licensee's request for a hearing. A hearing officer will be assigned who has not been involved with a licensee. The hearing officer may allow delays only for good cause.

10.0 Denial of a License Application or Revocation

10.1 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 give false information to the department by a licensee may result in revoking a license or denying an application. The division shall notify a licensee in writing of its intent to deny an application or revoke a license, stating the reason or reasons. This letter will describe how a licensee can appeal the decision.

10.1.1 Within 10 business days after receiving the written notice, a licensee must request a hearing or accept the denial or revocation and close within the time indicated in the notice.

10.1.2 The department must conduct the hearing within 30 days of the initial hearing request. The department will assign a hearing officer who has not been involved with the licensee. The hearing officer may allow delays only for good cause.

10.1.3 If OCCL revokes a license or denies an application, a licensee or applicant may not apply for a license from OCCL for three years.

10.2 If a licensee requests a hearing in a timely manner, the existing license shall be valid until the department provides the final hearing decision in writing. However, OCCL may suspend a license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.

10.3 If a licensee does not request a hearing in a timely manner as stated in subsection 10.1.1, the denial or revocation shall take effect 30 days after OCCL issued the notice. However, if the health, safety, or well-being of children in care is in serious or imminent danger, OCCL shall suspend the license immediately.

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

10.3.2 The final decision of the secretary will remain in place during the appeal process unless otherwise ordered by the court pursuant to 29 **Del.C.** §10144.

11.0 Regulation Variance

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 but in a way that is different from the way the regulation states. The change shall not endanger the health, safety, and well-being of children in care. A licensee shall keep the variance approval and make it available on request. A variance is valid only for this licensee. If a licensee fails to comply with the variance, OCCL shall cancel the variance and require the site to comply as the regulation states.

12.0 General Requirements

12.1 A person shall not operate or provide child care services as defined in these regulations unless OCCL issues a family or large family child care license. Anyone who operates a home without a license violates 31 **Del.C.** §§341-345, The Delaware Child Care Act, and shall be fined not more than $100 or imprisoned not more than three months, or both.

12.2 A licensee and staff members shall be able to read, understand, and follow these regulations.

12.3 A licensee, household and staff members, shall not have convictions, current indictments, outstanding warrants, or substantial evidence of involvement in an 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. The department may at its own discretion, make exceptions when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry law as defined by 16 **Del.C.** §923.

12.4 A licensee shall not employ or keep in any capacity any person with direct access to children if:

12.4.1 Convicted of a prohibited offense, for the time listed in 31 **Del.C.** §309;

12.4.2 Determined ineligible under the DELACARE Regulations - Background Checks For Child-Serving Entities; or

12.4.3 Active on the Delaware Child Protection Registry for a Level III or Level IV substantiation of abuse or neglect.

12.5 A licensee shall not employ or keep in any capacity a person with direct access to children whose child or children are removed from his or her custody because of abuse, neglect, or dependency. A person who has given up or otherwise lost custody of his or her children for reasons other than abuse, neglect, or dependency shall present documentation to the department regarding the circumstances of this event. The department will determine whether this individual may work or be present at the home.

12.6 Before becoming a household or staff member or within five days of a household member turning 18 years old a fingerprinted background check must be completed for the home. Within 30 days of becoming a household or staff member or a household member turning 18 years old, a licensee must provide documentation of a fingerprinted background check for the home and a health appraisal including a TB test or risk assessment to OCCL.

12.7 A licensee shall ensure adult volunteers who are present for more than five days or 40 hours per year schedule a fingerprinting appointment. The volunteer shall provide a copy of the verification of fingerprinting form to the licensee within 30 days of making the appointment. The licensee shall keep this form on file at the home.

12.8 A licensee shall ensure adult volunteers who are present for more than five days or 40 hours per year provide a health appraisal including a TB test or risk assessment to the licensee. The health appraisal and TB test or risk assessment must be completed within one year before the volunteer start date. This appraisal shall confirm the person's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required. A licensee shall keep this appraisal on file at the home.

12.9 A licensee shall ensure a volunteer is not alone with children.

12.10 A licensee shall ensure a staff member is not alone with children at the home until OCCL completes the results of all background checks, determines suitability, and approves the staff member.

12.11 When a concern arises, a licensee shall ensure a staff or household member provides or allows the release of information to OCCL to determine that the person does not pose a direct threat to the health, safety, or welfare of a child. OCCL may request medical, psychological, counseling, school, probation, and/or division records.

12.12 A licensee shall ensure a staff member or household member with known health problems that might pose a direct threat to the health and safety of children provides documentation to OCCL from a health care provider.

This documentation shall state that the person may have direct access to or work with children and any reasonable accommodations that may be required.

12.13 A licensee shall ensure a staff member or household member diagnosed or treated for mental illness that might pose a direct threat to the health and safety of children provides documentation to OCCL from a health care provider. This documentation shall state that the person may have direct access to or work with children and any reasonable accommodations that may be required.

12.14 Any person present in the home shall not drink alcohol when children are in care. Illegal drugs or substances or controlled substances other than by the person for whom it was prescribed are prohibited from being in the home.

12.15 A licensee who is working as a staff member shall have no other job during child care hours.

12.16 A licensee shall ensure providing care is the focus during the hours of care. A licensee shall not take part in or allow the staff members to take part in activities that distract from providing care during that time. Examples of distracting activities include, but are not limited to, socializing or entertaining; using, playing with, or watching electronics except for communicating for business reasons; doing intensive housework, chores, home repairs, or remodeling tasks; and working on hobbies or crafts.

12.17 A licensee shall not provide direct care for a person recovering from a long-term illness or surgery requiring nursing care at the home during the hours children are in care.

12.18 A licensee shall not provide foster care at the home for children or adults without OCCL's prior written approval. This approval shall be updated annually. OCCL shall count preschool-age or younger foster care children in the capacity of the home even if they attend care somewhere else.

12.19 A licensee or staff member shall supervise a child in care at all times. A licensee shall ensure children are not responsible for child care duties.

12.20 The maximum number of children allowed to be present at any given time shall be determined by the family licensee's or large family provider's experience and qualifications, the ages of the children living in the home, the amount of usable child care space, and fire marshal and zoning limitations.

12.21 A licensee shall ensure parents/guardians can enter areas of the home used for care when their children are in care.

12.22 A licensee and staff members shall be able to do the following:

12.22.1 Understand and respect children and their families and cultures;

12.22.2 Meet the needs of children;

12.22.3 Supervise children to ensure their safety during all activities;

12.22.4 Support children's physical, intellectual, social, and emotional growth;

12.22.5 Deal with emergencies in a calm manner; and

12.22.6 Use positive behavior management.

13.0 General Capacity

13.1 Preschool-age or younger household members shall count toward the capacity even if they attend care somewhere else.

13.2 Any child preschool-age or younger present at the home shall count toward the capacity.

13.3 School-age household members not attending school outside of the home shall count toward the capacity as preschool-age children.

13.4 School-age household members attending school outside of the home shall not count toward the capacity.

13.5 Each school-age household member may have no more than two school-age friends visit during child care hours.

13.5.1 These friends shall not count toward capacity unless present with the children in care.

13.5.2 The licensee shall not be paid for care of these friends.

13.6 School-age children not living in the home and present at the home shall count toward the capacity unless visiting a school-age household member in an area or space separate from the children in care. School-age children may only attend before school, after school, during school holidays, and during school vacations.

14.0 Use of a Substitute

14.1 A licensee shall arrange for a substitute who is at least 18 years old. This substitute may be available to assist in non-emergency situations but must be available in case of an emergency. OCCL defines an emergency as an unplanned event, such as a serious or sudden illness, accident, or situation requiring the immediate attention of a licensee. The substitute and licensee may both be present at the home; however, a licensee shall be responsible for the majority of the child care duties.

14.2 A licensee shall post the substitute's name and phone number in the home and provide this information to OCCL.

14.3 A licensee shall document on the form provided by OCCL that substitutes used only for emergencies receive training in the following topics before working with children:

14.3.1 DELACARE Regulations;

14.3.2 Policies and procedures of the home including special health care concerns of the children in care such as allergies;

14.3.3 Disaster and evacuation plans;

14.3.4 Safe sleep practices, including prevention of sudden infant death syndrome, if applicable;

14.3.5 Recognition of the symptoms of child abuse and neglect; and

14.3.6 Child abuse and neglect laws and reporting requirements.

14.4 A licensee shall document on the form provided by OCCL that substitutes used for non-emergency situations receive training in the following topics before working with children:

14.4.1 DELACARE Regulations;

14.4.2 Policies and procedures of the home;

14.4.3 Emergency preparedness and disaster and evacuation plans;

14.4.4 Safe sleep practices including prevention of sudden infant death syndrome, if applicable;

14.4.5 Prevention of shaken baby syndrome and abusive head trauma;

14.4.6 Prevention of and response to food allergies;

14.4.7 Prevention and control of infectious diseases, including immunization;

14.4.8 Building and physical grounds safety;

14.4.9 Storage of hazardous materials and biocontaminants;

14.4.10 Recognition of the symptoms of child abuse and neglect;

14.4.11 Child abuse and neglect laws and reporting requirements;

14.4.12 CPR and first aid;

14.4.13 Administration of medication, if applicable, and

14.4.14 Safety measures in transporting children, if applicable;

14.5 A licensee shall keep a copy of the substitute's health appraisal, receipt of background check, orientation record, and CPR and first aid certifications (if used in non-emergency situations) on file at the home.

14.6 A licensee shall ensure the substitute has access to each child's file, knows special or emergency information about each child, and keeps all children's information private.

14.7 The substitute may provide care in the home in the absence of a licensee, or if applicable, the large family provider or large family assistant. A licensee does not need to tell OCCL or receive approval to use a substitute in the following situations: emergencies as defined in subsection 14.1, medical appointments, school appointments, or time off for five or fewer days in a row.

14.8 A licensee needs to tell OCCL and receive approval to use a substitute or if applicable the large family provider or large family assistant in certain situations. These situations are training/classes held for three or more sessions, student teaching, internship or practicum to meet qualifications or annual training, or for time off of more than five days in a row for a licensee.

14.9 Before using a substitute, a licensee shall tell the parent/guardian who the substitute is and when the substitute will be caring for the children, unless it is an emergency.

14.10 A licensee shall record the date and times a substitute is present and is helping with the children or providing care. A licensee shall maintain this record for at least three months.

LICENSEE'S RESPONSIBILITIES

15.0 Notification to OCCL

15.1 A licensee shall immediately call OCCL and speak to someone Monday-Friday from 8:00 AM to 4:30 PM if a child dies while in care. Leaving a message is not acceptable. If the death occurs after business hours, a licensee shall immediately call the 24-Hour Child Abuse Report Line (currently 1-800-292-9582).

15.2 A licensee shall call OCCL and speak to someone within one business day during business hours (leaving a message is not acceptable) and follow this call with a written report within three business days when the following things happen:

15.2.1 A fire, flood, or other disaster causes damage so the home is unable to operate safely;

15.2.2 A child in care is injured and needs medical/dental treatment other than first aid provided at the home;

15.2.3 The phone number of the home changes (must also notify a parent/guardian and staff members);

15.2.4 Suspected abuse or neglect of a child while in care (after reporting the suspicion to the 24-Hour Child Abuse Report Line);

15.2.5 Suspected child abuse or neglect involving the licensee, household member, or staff member being investigated by the department;

15.2.6 A youth wants to volunteer;

15.2.7 Any known new charges, arrests, or convictions of the licensee, household member, or staff member;

15.2.8 A child is abducted or missing;

15.2.9 A child had a reaction to medication requiring medical treatment or received medical treatment because of a medication error, such as giving the wrong medication, giving the wrong dose, failing to give the medication, giving medication to the wrong child, or giving the medication by the wrong route; and

15.2.10 Equipment breaks 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, smoke/fire alarm system failure, and heating or air-conditioning failure.

15.3 A licensee shall call OCCL and speak to someone within five business days (and send follow-up documentation to the assigned licensing specialist within 10 business days) when the following changes:

15.3.1 Hours of child care provided;

15.3.2 Household members;

15.3.3 Household member turns 18 years old;

15.3.4 Substitute;

15.3.5 Licensee, household member, or staff member develops a serious health condition or is diagnosed with a mental illness that poses a direct threat to the health and safety of children (documentation from a health care provider is required that states the person may have direct access to or work with children and any reasonable accommodations that may be required); or

15.3.6 Intended use of a substitute as listed in Section 14.0.

15.4 A licensee shall notify and receive OCCL and fire marshal approvals before changing the rooms used for care or providing care in the changed or new space.

15.5 When possible, a licensee shall notify OCCL in writing or by direct voice contact at least 60 days before moving the home to a new address. A new license shall be required at the new address before providing care there.

16.0 Daily Attendance of Children, Infant Records, and Health Observations

16.1 A licensee shall have daily attendance records for children that state the exact times children arrive at and depart from the home. A licensee shall keep these records for at least three months.

16.2 A licensee shall have daily records of an infant's feeding, sleeping, diapering, and other routine activities. A licensee shall share these records with the infant's parent/guardian at the end of each day. The record shall include documentation of checking the infant every 30 minutes when the infant is sleeping, or every 15 minutes for infants and children under age two as described in subsection 42.6. These sleep checks are to make sure the infant is breathing normally and not showing signs of distress.

16.3 A licensee shall ensure each child is observed on arrival for signs of communicable disease, injury, signs of ill health as listed in Section 29.0, and signs of child abuse or neglect. A licensee shall document concerns and steps taken to assist the child. A licensee shall keep documented concerns in the child's file. A person who suspects child abuse or neglect shall make a report to the Child Abuse Report Line.

17.0 Parents Right to Know Act

A licensee shall provide a parent/guardian with information about the right to see the home's licensing record, as stated in 31 **Del.C.** §398. As a part of the inquiry process, a licensee shall require the parent/guardian to read and sign The Parents Right to Know form and shall keep the form on file. A licensee shall give a copy of the form to the parent/guardian. In the event the child does not enroll, a licensee shall keep the form for three months to show the information was provided.

18.0 Children's Health Appraisal

18.1 A licensee shall ensure that within one month of enrollment, each child's file contains a health appraisal that includes an immunization record. A health care provider must have conducted this appraisal within the last 12 months. A licensee does not need a child's health appraisal if other federal or State laws require the home to admit a child without an appraisal. Health appraisals must be updated every 13 months. A licensee must keep the most recent appraisal on file and it shall include:

18.1.1 A health history;

18.1.2 Physical examination;

18.1.3 Growth and development;

18.1.4 Immunizations;

18.1.5 Medical information for treatment in case of emergency; and

18.1.6 Additional recommendations regarding required medication, allergies, restrictions, or modifications of the child's activities, diet, or care, if applicable.

18.2 A licensee shall not require children in grades kindergarten or higher to submit additional health appraisals after a licensee receives one completed after the child began kindergarten or a higher grade.

18.3 A licensee shall ensure a child whose parent/guardian objects to immunizations on a religious basis or whose health care provider certifies that immunizations may be harmful to the child's health will be exempt from the immunization requirement. An affidavit or notarized statement is required to allow this exemption. A licensee must place this documentation in the child's file.

19.0 Parent Communication

19.1 A licensee shall discuss the following information with parents/guardians during the enrollment process and as needed:

19.1.1 Explain that parent/guardian visits are welcomed;

19.1.2 Explain nondiscriminatory practices and show respect for each family and culture;

19.1.3 Ask about each child's culture and community and discuss how to support these child care practices, especially concerning infants and toddlers;

19.1.4 State that parents/guardians are most important in children's development;

19.1.5 Identify the ongoing needs of the child and learn parent/guardian preferences, goals, concerns, or special circumstances that may influence the child's development, behavior, and learning;

19.1.6 Explain how infant activities, such as feeding or sleeping will be shared at the end of each day;

19.1.7 Explain safety procedures for indoors and outdoors, fires, pets, first aid, and emergencies;

19.1.8 Explain cleaning procedures, such as disinfecting, Standard Precautions, and diapering and toileting; and

19.1.9 Explain the program, including routine activities, equipment, and sleeping accommodations.

19.2 A licensee shall have and follow written policies in a handbook. The handbook shall be given to a parent/ guardian at enrollment. The handbook must include the following information:

19.2.1 A typical daily schedule;

19.2.2 Positive behavior management policy;

19.2.3 Health policy, including emergency health care that states how the parent/guardian will be notified, how the child will be transported, and what will happen if a parent/guardian cannot be reached; health exclusions listing when children are not allowed to be admitted or remain in care and what will happen when a child becomes ill and a parent/guardian cannot be reached; notification and prevention of an outbreak of a communicable disease, including a list of reportable communicable diseases, and how parents/ guardians will be informed if their children were exposed to a reportable communicable disease;

19.2.4 Food and nutrition policy, including a statement that children are encouraged but not forced to eat; approximate times of snacks and meals; how food allergies and other dietary requirements are handled; and whether a licensee or parent/guardian will provide food;

19.2.5 Release of children policy, including procedures to release children only to people approved by a parent/guardian; to check the identity of an unknown approved person before releasing the child and keep 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;

19.2.6 Reporting procedures for accidents, injuries, or serious incidents;

19.2.7 Mandatory reporting policy of child abuse and neglect;

19.2.8 Administration of medication procedures;

19.2.9 Safe sleep practices for infants, if applicable;

19.2.10 Description of animals or pets regardless of the location within the home; and

19.2.11 Transportation policy, if applicable.

20.0 Children's Files

20.1 A licensee shall have an on-site private file for each child by the time care begins with the following information, unless otherwise stated:

20.1.1 Child's first and last names, date of birth, address, and parents'/guardians' home and cell phone numbers, if applicable;

20.1.2 Parents'/guardians' name(s), place(s) and hours of employment, and work phone number(s), if applicable;

20.1.3 Names and emergency phone numbers for at least two people approved to pick up the child;

20.1.4 First and last names of all people approved to pick up the child;

20.1.5 Name and phone number of the child's health care provider;

20.1.6 Health appraisal and immunization record (or exemption from immunization) on file at the home within 30 days of enrollment;

20.1.7 Date child began care, hours/days child is to attend, and date child left care, if applicable;

20.1.8 If provided by the parent/guardian, a statement of the child's medical, developmental, or educational special needs, and information on allergies, current illnesses or injuries, previous serious illnesses or injuries, and needed medications;

20.1.9 Written approvals from parent/guardian for: emergency medical treatment and, if applicable, special dietary needs, swimming, administration of medication, use of electronics, sleeping on a mat as described in subsection 42.2.3, sleeping in another area as described in subsections 42.6 and 42.7, and transportation;

20.1.10 If applicable, copies of court orders on custody and visitation arrangements;

20.1.11 If applicable, administration of medication records and accident and injury reports; and

20.1.12 Parent/Guardian-signed Parents Right to Know Act.

20.2 A licensee shall not give out or allow the use of a child's/family's information without written parent/guardian permission to do so, or unless required by officials from OCCL, the division, or other agencies responsible for issues relating to the health, safety, and protection of children.

20.3 A licensee shall update information provided by a parent/guardian as it changes. The file must be available to staff members. This file shall be available for three months after a child has left care.

PHYSICAL ENVIRONMENT

21.0 General Safety

21.1 A licensee shall ensure there are no health and safety hazards in the home or on the grounds.

21.2 A licensee shall keep the home and its furnishings in a clean and safe condition. All walls, floors, ceilings, and other surfaces shall be cleanable and in good repair.

21.3 A licensee shall keep the home free from rodent and insect infestation. If pesticides are used, they shall be used according to the instructions listed on the label.

21.4 A licensee shall use undamaged screens on all windows, doors, or openings to the outside used for venting the home.

21.5 A licensee shall keep temperatures in rooms used by the children at a minimum temperature of 68°F and a maximum of 82°F or close unless overridden by federal and State energy laws.

21.5.1 OCCL allows an exception if a room temperature is between 60°F-67°F or 83°F-90°F and a licensee can return that room to the proper temperature within the next four hours. If the room temperature cannot be restored within four hours or the temperature is below 60°F or above 90°F, the home shall close. The home shall remain closed until the heating or cooling problem is solved.

21.5.2 OCCL must be informed when closing is necessary.

21.6 For a home licensed after January 1, 2009, a licensee shall use air conditioning to keep the required temperatures during hot weather.

21.7 A licensee shall ensure all floor or window fans and cords are out of children's reach and have a safety certification mark from a nationally recognized testing laboratory or "NRTL."

21.8 The licensee shall ensure all heating and cooling equipment prevents injury to children by having safety shielding.

21.8.1 Fire code prohibits the use of heating equipment, such as portable, open-flame, space heaters.

21.8.2 Hot water pipes, steam radiators, electric space heaters, and wood-burning stoves shall be out of children's reach to protect children against burns.

21.8.3 Electric space heaters shall be stable and have a safety certification mark from a NRTL.

21.9 A licensee shall securely screen or equip fireplaces with protective guards while in use.

21.10 A licensee shall cover all electrical outlets that children can reach, including unused power strips.

21.11 A licensee shall ensure the home has a working phone with a working voicemail.

21.12 A licensee shall post emergency phone numbers for ambulance or emergency medical services, police, fire departments (911); the Poison Control Center; and the 24-Hour Child Abuse Report Line (currently 1-800-292-9582).

21.13 A licensee shall ensure a working flashlight is available in the home.

21.14 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.

21.15 A licensee shall ensure stairways over four steps used by children, inside and outside, have railings. A licensee shall use securely installed safety gates such as those approved by the American Society for Testing and Materials or "ASTM" at the top, bottom, or both locations of stairways where infants and toddlers are in care to prevent falls and access to the stairs. Gates shall have latching devices that adults, but not children, can open easily. The use of pressure or accordion gates is prohibited. If a licensee cannot set up a safety gate as stated in the manufacturer's instructions because of the home's design, then a licensee shall safely prevent infants and toddlers from accessing stairways in another way.

21.16 A licensee shall ensure that raised areas, other than stairways, over two feet in a home, such as porches, elevated walkways, and elevated play areas, have walls or barriers to prevent falls over the open side. The walls or barriers shall be at least 42 inches tall.

21.17 A licensee shall ensure door locks or latches in rooms used by children can open from either side of the door and the opening device or key is available to a licensee and staff members.

21.18 A licensee shall have a bathroom with a working toilet and a sink that children can use. The sink must have hot and cold running water. Children may use a bathroom that is not on the child care level if it is the only bathroom in the house.

21.19 A licensee shall not allow children to use rooms or spaces reachable only by ladder, folding stairs, or through a trap door.

21.20 A licensee shall ensure a State fire marshal approved agency conducts an electrical inspection of the home every three years.

21.21 A licensee shall ensure all flammable and hazardous materials, including matches, lighters, medicines, drugs, alcohol, cleaning products, detergents, aerosol cans, plastic bags, cords and strings from window blinds, firearms, ammunition, and other similar items are stored safely in areas out of children's reach. Hazardous liquids and powders must be labeled with the contents.

21.22 A licensee shall keep any guns and ammunition stored in the home in a locked container or locked closet. A licensee shall store ammunition separate from guns.

21.23 A licensee shall keep trash in covered trashcans. Recyclable paper may be in uncovered containers. Trash shall be removed daily from rooms used by children and weekly from the home.

21.24 A licensee shall prohibit smoking, vaping, and burning candles and incense in the home during child care hours and in the presence of children.

21.25 A licensee shall ensure the water temperature does not exceed 120° F from faucets and other sources accessible to children in care.

22.0 Fire Safety

22.1 A licensee shall ensure that all paths of egress, including stairways, hallways, windows, and doorways are functional and not blocked.

22.2 A licensee shall care for children on the ground level of the home or use another level only after meeting the conditions of the designated fire marshal.

22.3 A licensee shall ensure each exit door is at least 28 inches wide.

22.4 A licensee shall at least have a properly installed, battery-operated working smoke alarm. This alarm must have a safety certification mark from NRTL. A licensee shall place smoke alarms on the ceiling or six to 12 inches below the ceiling on each level of the home, basement, and all enclosed sleeping areas. A licensee shall ensure fire safety codes and on-going procedures as required by the designated fire marshal are followed.

22.4.1 A licensee shall test these alarms monthly and document these tests in a log.

22.4.2 A licensee shall replace the batteries at least yearly.

22.5 A licensee shall ensure a working carbon monoxide alarm is near any sleeping area used by children when the home has an attached garage or equipment using fuels, such as gas, oil, propane, wood, or kerosene. This includes an oven, furnace, water heater, or fireplace. The alarm must have a safety certification mark from NRTL. The alarm shall be installed as stated in the manufacturer's instructions.

22.5.1 A licensee shall test these alarms monthly and document these tests in a log.

22.5.2 A licensee shall replace the batteries at least yearly.

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

22.7 When a family home changes from Level I to Level II or a child care home moves to a new address, a licensee shall submit plans to the designated fire marshal. The licensee shall follow the fire safety codes of the designated fire marshal. A licensee shall receive fire marshal approval before offering services.

22.8 A licensee shall have an easily accessible, charged portable dry chemical fire extinguisher rated 2A-10BC or above. A licensee shall mount the fire extinguisher no more than 40 inches above the finished floor. An inspector licensed by the State fire marshal shall inspect the fire extinguisher annually.

23.0 Kitchen

23.1 A licensee shall keep the kitchen, food preparation, storage, serving areas, and utensils clean and sanitary.

23.2 A licensee shall ensure the kitchen has at least one sink with hot and cold running water. Large family homes need an additional hand-washing sink.

23.3 A licensee shall ensure the home has a refrigerator to keep perishable food cold at 40°F or colder, and food stored in a freezer frozen at 0°F or colder. A licensee shall have a working thermometer in refrigerators and freezers used to store children's food.

23.4 A licensee shall ensure dishes and utensils are air dried unless sanitized and dried in a dishwasher.

23.5 A licensee shall ensure no dishes, cups, or glasses used by children are broken or defective.

23.6 A licensee shall ensure age-appropriate utensils, dishes, cups, glasses, or bottles are available for each child and not shared with another child during feeding.

24.0 Outdoor Climate, Area, and Equipment

24.1 Weather permitting, a licensee is required to provide daily outdoor play when the wind chill factor is 32°F or higher or the heat index is 89°F or lower. Outdoor play during periods outside this temperature range shall be up to a licensee, unless the National Weather Service (www.weather.gov) has issued a local advisory regarding health or safety risks. A licensee shall properly dress children for the weather.

24.2 A licensee shall provide active play and large muscle activities that consider the children's needs and whether they are able to participate. A licensee shall provide these activities either on the grounds or within safe walking distance of the home.

24.3 A licensee shall remove hazards before children begin to play outside. These hazards may include animal feces, toxic plants, broken or non-secure outdoor play equipment, building supplies and equipment, glass, sharp rocks, cigarette butts, beehives and wasp nests, a lawn mower, or debris. A licensee shall securely lock tool sheds, garages, and other outdoor buildings to prevent children from entering. Children shall be supervised while outdoors.

24.4 For a home licensed before January 1, 2009, the existing fencing of the on-site outdoor play area shall be acceptable as long as it is hazard-free and in good repair. When replacing the fencing, the new fencing shall fully comply with Section 51 for a family home and Section 56 for a large family home.

24.5 A licensee shall ensure outdoor play equipment is sturdy, safe, clean, and free from rough edges, sharp corners, pinch and crush points, splinters, and exposed bolts.

24.6 A licensee shall anchor large outdoor play equipment. A licensee cannot place stationary equipment on concrete or asphalt.

24.7 A licensee shall use materials in the outdoor play area that do not present a safety or choking hazard. These materials shall be free of unsafe contaminants, such as steel wires and unhealthy residue from deterioration.

24.8 If using gravel or stone as a ground cover for the outdoor play area, only pea gravel shall be acceptable. For homes licensed before January 1, 2009, the existing gravel or stone ground cover shall be acceptable.

24.9 A licensee shall keep outdoor sandboxes or play areas containing sand safe, sanitary, and covered when not in use.

24.10 The use of trampolines by children in care is prohibited.

25.0 Riding Toys

A licensee shall ensure children use bicycles, tricycles, scooters, and other riding toys that are their correct size. These riding toys shall be in good condition and free of sharp edges or protrusions that may injure a child. The use of motorized riding toys by children in care is prohibited. Children over age one shall wear safety helmets while riding toys with wheels 20 inches or more in diameter. Riding bicycles, using wheeled equipment (roller blades, skateboards, etc.), and standing on scooters with handles also require children to use helmets. Children shall not share helmets unless cleaned between users by wiping the lining with a damp cloth. Helmets shall be removed as soon as children stop riding toys that require helmets.

26.0 Swimming

26.1 A licensee shall ensure all children are under direct supervision while wading or swimming. During a swimming activity involving infants or toddlers, these children shall be within arm's reach of a licensee or staff member.

26.1.1 Swimming pools and large wading pools that remain filled when not in use shall be inaccessible to children.

26.1.2 The water in swimming pools used by children shall be treated, cleaned, and maintained according to Division of Public Health or "DPH" regulations.

26.1.3 The pool and equipment shall be kept in a safe manner and be hazard-free.

26.1.4 Small portable wading pools shall be cleaned and disinfected after each use.

27.0 Pets

A licensee shall ensure pets kept by the home are cared for in a safe and sanitary way. A licensee shall keep proof of vaccinations required by State law (currently this is rabies vaccinations for dogs and cats). Poisonous or aggressive animals; animals known to be carriers of illnesses, such as ferrets, turtles, iguanas, lizards or other reptiles; birds of the parrot family; or animals sick with a disease that can be spread to humans may not be kept in rooms used by children unless children are not allowed to handle them. A licensee shall keep containers used for collecting or containing animal feces or urine out of rooms used by children. A licensee shall inform parents/guardians of animals or pets kept by the home. Children shall handle animals only with adult supervision.

28.0 Emergency Planning

28.1 A licensee shall have and follow a written emergency plan that describes what to do in case of a natural or man-made disaster. A licensee shall train staff members on the plan. The emergency plan shall include information and procedures for the following areas:

28.1.1 Preparing for a disaster;

28.1.2 Assigning specific responsibilities to a licensee and staff members;

28.1.3 Keeping track of children and staff, if applicable;

28.1.4 Moving to a new location, if appropriate;

28.1.5 Communicating with and returning children to families;

28.1.6 Meeting the needs of infants, toddlers, and children with disabilities or medical conditions;

28.1.7 Caring for children after the emergency;

28.1.8 Contacting emergency response agencies and parents/guardians; and

28.1.9 Locking down the home.

28.2 Monthly evacuation drills shall be practiced from all exit locations during different times of the day, including nap time. A licensee shall post an evacuation route diagram or exit signs. Each drill shall be documented and include:

28.2.1 Drill date and time;

28.2.2 Numbers of children and adults who participated;

28.2.3 Exits used; and

28.2.4 Total time to evacuate the home.

28.3 A licensee shall develop and follow a written plan describing procedures to shelter-in-place for up to 24 hours due to a disaster. The plan shall include a list of emergency supplies kept on-site, including enough food that will not spoil, bottled water, and supplies to serve or prepare foods for one day without the use of electricity.

HEALTH

29.0 Child Health Exclusions

29.1 A licensee shall not permit a child who has symptoms listed below to enter or remain at the home. The child can only return when the symptoms are gone or with documentation from a health care provider stating the illness or symptoms pose no serious health risk to anyone. The documentation shall be written, or include a written follow-up if communicated verbally. The symptoms for exclusion shall include, but not be limited to, the following:

29.1.1 Temperature of 100°F or higher without medication even if there has not been a change in behavior for infants four months old and younger;

29.1.2 Temperature of 101°F or higher without medication accompanied by behavior changes or symptoms of illness for children older than four months;

29.1.3 Symptoms of possible severe illness, such as unusual tiredness, uncontrolled coughing, unexplained irritability, persistent crying, difficulty breathing, wheezing, or other unusual signs;

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

29.1.5 Blood in stools not due to change in diet, medication, or hard stools;

29.1.6 Vomiting; two or more times in the past 24 hours, or one time if accompanied by a fever until 48 hours after the symptoms end or until a health care provider determines the vomiting is not contagious and the child is not in danger of dehydration;

29.1.7 Ongoing stomach pain (more than two hours) or off-and-on pain due to a fever or other symptom;

29.1.8 Mouth sores with drooling;

29.1.9 Rash with fever or behavior change;

29.1.10 Pink eye (with white or yellow eye discharge), until 24 hours after starting antibiotic treatment;

29.1.11 Scabies, until 24 hours after starting treatment;

29.1.12 Head lice, until 24 hours after starting treatment;

29.1.13 Tuberculosis, as directed by DPH;

29.1.14 Impetigo, until 24 hours after starting antibiotic treatment and sores are dry;

29.1.15 Strep throat, until 24 hours after starting antibiotic treatment;

29.1.16 Chickenpox, until all sores have crusted and are dry (usually six days);

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

29.1.18 Pertussis, until completing five days of antibiotic treatment;

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

29.1.20 Hepatitis A virus, until one week after onset of jaundice, or as directed by DPH;

29.1.21 Measles, until four days after arrival of rash;

29.1.22 Rubella, until seven days after arrival of rash;

29.1.23 Cold sores, if the child is too young to have control of saliva; or

29.1.24 Unspecified illness if the child is unable to participate in activities or the facility cannot provide care for this child and the other children.

29.2 A licensee shall ensure temperatures for children under three years old are taken with a non-glass thermometer under the arm or by forehead scan. A digital oral thermometer may be used for children three years and older. Rectal and ear temperatures may not be taken.

29.3 A licensee shall ensure that if a child shows signs of ill health as listed above, the child's rest, comfort, food, drink, and activity needs are met until the child is picked up from the home.

29.4 A licensee shall report reportable communicable diseases to DPH. For information on these diseases, a licensee shall call DPH or refer to their website, currently http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html.

29.5 A licensee shall not allow a child with a reportable communicable disease to be admitted to or remain at the home unless a health care provider documents that the illness poses no serious health risk to anyone or DPH tells the licensee 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, follow DPH's instructions.

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

30.0 Standard Precautions

30.1 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:

30.1.1 For vomit, urine, and feces on surfaces including floors, walls, bathrooms, tabletops, toys, kitchen counters, diaper-changing tables, and toilet training chairs, the area shall be cleaned with soap and water, and then disinfected.

30.1.2 For blood, blood-containing fluids, and tissue discharges, a licensee shall ensure that open skin sores or mucous membranes are not touched, waterproof gloves are worn, and the area is cleaned with soap and water, and then disinfected.

30.1.3 Bloody material and disposable diapers shall be put in a plastic bag, tied securely, and thrown away. Bloody clothing shall be placed in a plastic bag, tied securely, and returned to the child's parent at pick up.

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

31.0 First Aid Kit

31.1 A licensee shall have at least one complete first aid kit. A licensee or staff member, if applicable, shall take a kit on field trips/program outings. The kit shall include:

31.1.1 Disposable waterproof gloves;

31.1.2 Scissors;

31.1.3 Tweezers;

31.1.4 A non-glass thermometer to measure a child's temperature;

31.1.5 Bandage tape;

31.1.6 Sterile gauze pads;

31.1.7 Flexible rolled gauze;

31.1.8 Triangular bandage or sling;

31.1.9 Safety pins;

31.1.10 Eye patch or dressing;

31.1.11 Pen/pencil and note pad;

31.1.12 Instant cold pack;

31.1.13 Current American Academy of Pediatrics or "AAP" standard first aid chart or equivalent first aid guide;

31.1.14 Small plastic, metal, or wooden finger splints;

31.1.15 Non-medicated adhesive strip bandages; and

31.1.16 Plastic bags for gauze and other materials used in handling blood.

31.2 A licensee shall ensure first aid kits used for routine/program outings have the following additional items:

31.2.1 Bottled water;

31.2.2 Liquid soap;

31.2.3 Medications needed; and

31.2.4 List of emergency phone numbers and the Poison Control Center phone number.

32.0 Child Accident and Injury

32.1 A licensee shall ensure when a child in care has an accident or injury, a licensee or 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.

32.1.1 For a serious or potentially serious injury, the parent/guardian shall be informed immediately after assisting the child. A less serious accident or injury requires a parent/guardian to be informed before the child leaves for the day.

32.1.2 A licensee shall complete and keep a report in the child's file for each accident or injury that includes the name of child, date of injury, description of injury, how it occurred, first aid and medical care given, and parent/guardian or other approved person's signature.

32.1.3 For serious injuries, a licensee shall document when the parent/guardian was informed or when calls were made to the parent/guardian, but the parent/guardian did not answer.

32.2 If a child has a medical event, such as a seizure, asthma attack, or severe allergic reaction, the parent/guardian shall be called immediately after assisting the child and contacting an ambulance if needed.

32.3 When known, a licensee shall notify OCCL, as described in Section 15.0, when an accident or injury results in death or medical/dental treatment, other than first aid provided at the home.

33.0 Administration of Medication

33.1 A licensee shall ensure only trained staff members, who are at least 18 years old and approved as stated in State law, give medication to children. Health care providers, nurses, or other qualified medical health personnel may also give medication to children. Written parent/guardian permission for each needed medication is required. A licensee shall return medication to the parent/guardian when it is no longer needed.

33.2 A licensee shall ensure the parent/guardian shares provides the following information for each medication given:

33.2.1 The name and birth date of the child;

33.2.2 Medication allergies;

33.2.3 Doctor name and phone number;

33.2.4 Pharmacy name and phone number;

33.2.5 Name of medication;

33.2.6 Dosage (amount given);

33.2.7 Time or frequency (when given);

33.2.8 Route of administration (oral; eye, nose, or throat drops; topical);

33.2.9 Medication expiration date;

33.2.10 End date (when to stop giving);

33.2.11 Reason for medication; and

33.2.12 Special directions.

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

33.3.1 Stored securely and out of children's reach;

33.3.2 Refrigerated, if applicable, in a closed container separate from food;

33.3.3 In its original container and labeled with directions on how to give or use it;

33.3.4 Current and has not expired;

33.3.5 Authorized by the child's health care provider; and

33.3.6 Given only to the child whose name is listed on the prescription in the way and dosage listed on the container's instructions.

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

33.4.1 Stored securely and out of children's reach;

33.4.2 Refrigerated, if applicable, in a closed container separate from food;

33.4.3 In its original container and properly labeled with directions on how to give or use it;

33.4.4 Current and has not expired;

33.4.5 Labeled with the child's name; and

33.4.6 Given as listed on the container's instructions, unless a child's health care provider states in writing how it is to be given.

33.5 A licensee shall keep a written record of medication given to children on the Medication Administration Record or "MAR" including medication dosage, time given, who gave it, unwanted effects observed, and medication errors. Medication errors include giving the wrong medication, giving the wrong dose, failing to give the medication, giving medication to the wrong child, or giving the medication by the wrong route. Unwanted effects or errors in administering shall be immediately reported to the parent/guardian. When known, a licensee shall notify OCCL when unwanted effects or errors in administering medication results in death or medical/ dental treatment as described in Section 15.0.

33.6 A licensee shall keep the MAR in the child's file.

34.0 Diapering and Toileting

34.1 A licensee shall check diapers hourly for wetness and feces and when a child acts as though the diaper is wet or soiled. Diapers and other clothing shall be changed when they are found to be wet or soiled. Diaper changes for infants shall be written down. Soiled clothing shall be placed in a sealed plastic bag, labeled with the child's name, and returned to the child's parent/guardian at the end of the day.

34.1.1 A licensee shall keep a supply of clean diapers and extra clothing available for each child either by providing them or requiring the parent/guardian to provide them.

34.1.2 A licensee shall ensure soiled reusable diapers are not emptied or rinsed but placed in a sealed plastic bag separate from a child's wet or soiled clothing. The bag must be labeled with the child's name and sent home with the child at the end of the day.

34.2 A licensee shall ensure a home has a diaper-changing area not in kitchen. It shall have a clean, washable, and waterproof surface.

34.3 A licensee shall ensure used diapers are placed in a foot-activated trashcan that is only for diapers. This trashcan shall be within arm's reach of the changing area, lined with a plastic bag, and sanitized daily. Diapers shall be removed from the home at least daily or when needed and placed in a closed trashcan outside the home.

34.4 A licensee shall have and follow a procedure for changing diapers that includes the following items:

34.4.1 A diaper-changing area is used to change diapers;

34.4.2 Diapers are disposed of as stated in these regulations;

34.4.3 Each child is washed during each diaper change with a clean wipe or washcloth;

34.4.4 The person changing the diaper washes his or her hands and the hands of the child with soap and water immediately after each diaper change; and

34.4.5 The diaper-changing area is cleaned with soap and water and then sanitized with a disinfectant solution after each use.

34.5 If using potty-chairs for toilet training, a licensee shall ensure they are located in a bathroom. Potty-chairs shall be made of a waterproof material. They shall be cleaned with soap and water and then sanitized after each use.

34.6 A licensee shall ensure liquid soap, paper towels or a hand-dryer, and toilet paper are available at all times in the bathroom.

35.0 Sanitation

35.1 A licensee shall ensure areas and equipment listed in subsections 35.2 and 35.3 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.

35.2 A licensee shall ensure the following items or surfaces are cleaned after each use with a soap and water solution and then disinfected:

35.2.1 Potty-chairs, after being emptied into a toilet;

35.2.2 Sinks and faucets used for hand washing after the sink was used for rinsing a potty-chair;

35.2.3 Diapering surfaces, as required in subsection 34.4.5;

35.2.4 Food preparation and eating surfaces, such as counters, tables, and high chair trays;

35.2.5 Toys children put in their mouths;

35.2.6 Mops used for cleaning shall be rinsed, disinfected, wrung, and hung to dry;

35.2.7 Plastic bibs (cloth bibs may only be used once before washing); and

35.2.8 Thermometers.

35.3 A licensee shall ensure the following items or surfaces are cleaned at least daily with a soap and water solution and then disinfected:

35.3.1 Toilets and toilet seats;

35.3.2 Sinks and faucets;

35.3.3 Diaper pails and lids;

35.3.4 Drinking fountains;

35.3.5 Water table and equipment;

35.3.6 Play tables;

35.3.7 Rest mats that are stored touching each other;

35.3.8 Waterproof activity mats; and

35.3.9 Smooth waterproof floors.

35.4 A licensee shall limit germs and disease passing among children in the home by:

35.4.1 Using washable toys with diapered children; and

35.4.2 Washing items children lick or chew after they fall to the floor or ground.

36.0 Hand Washing

36.1 A licensee shall ensure staff and children's hands are washed with soap and running water, even if gloves were worn, and paper towels or a hand dryer are used, as follows:

36.1.1 Before and after eating or handling food, giving medications, caring for a child who may be sick, using a water-play or other sensory table/container with other children, and using shared play dough or clay; and

36.1.2 After toileting or diapering, touching blood, feces, urine, vomit, nasal or other body fluids, Handling animals or their equipment, or after coming into contact with an animal's body fluids, playing in a sandbox, outdoor play, cleaning, and taking out the garbage.

37.0 Food, Water, and Nutrition

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

37.2 A licensee shall ensure meals and snacks are served on the following schedule, depending on how many hours the child is present:

37.2.1 2 hours - 4 hours -1 snack;

37.2.2 4 hours - 6 hours -1 meal and 1 snack;

37.2.3 7 hours - 11 hours -2 meals and 1 snack or 2 snacks and 1 meal based on time of child's arrival; and

37.2.4 12 hours or more -3 meals and 2 snacks.

37.3 A licensee shall encourage adults to eat healthy foods when eating with children. A child shall be encouraged but not forced to eat.

37.4 A licensee shall ensure nutritious food is prepared and served to children. Children shall be supervised during food preparation.

37.5 A licensee shall ensure meals and snacks provided by the child care home:

37.5.1 Follow the meal pattern requirements (see Appendix) appropriate to the child's age;

37.5.2 Have foods from the basic food groups as follows:

37.5.2.1 Milk: liquid pasteurized skim, 1%, or 2% cow's milk for children over two years old. Infants shall be fed formula or breast milk. One-year-old children shall be fed whole liquid pasteurized cow's milk when not on formula or breast milk;

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

37.5.2.3 Fruits and vegetables: a variety of fresh, frozen, or canned vegetables and fruits without added sugar; and

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

37.5.3 May include 100% unsweetened juice, not a juice drink or cocktail;

37.5.4 May include powdered milk only for cooking and not instead of liquid milk for drinking;

37.5.5 Are planned on a menu, dated, and posted in a noticeable place.

37.5.5.1 Menus listing foods served shall be kept for 30 days. Changes to the food served on a certain date shall be written on the menu on or before that date.

37.5.5.2 A sample two-week menu shall be sent with a renewal application.

37.6 A licensee shall ensure when a parent/guardian requests a change of meal patterns due to a medical need, such as food intolerance or allergies, the parent/guardian provides written health care provider permission for the change.

37.7 A licensee shall ensure when a parent/guardian requests a change of meal patterns due to a family's food preferences or religious belief, the parent/guardian provides a list of the foods to remove and the foods to substitute.

37.8 Meal Components for Toddlers and Older Children:

37.8.1 A licensee shall ensure a breakfast provided and served by a home 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.

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

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

37.9 For foods prepared and served by the home, a licensee shall introduce a variety of food textures, finger foods, and a cup and utensils appropriate for self-feeding. If needed, a licensee shall cut food to prevent choking.

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

37.11 When foods are provided by the parent/guardian, a licensee shall ensure the foods are refrigerated as needed and not shared. There are no meal pattern requirements for foods provided by parents/guardians. A licensee shall have a plan for providing food to a child who has not brought foods to eat.

38.0 Feeding of Infants

38.1 A licensee shall ensure an infant is given foods and drinks on demand or during the infant's regular eating habits according to the following guidelines:

38.1.1 A parent/guardian provides a written feeding schedule listing the foods and drinks, including specific formula or breast milk, an infant eats and drinks. This schedule shall be updated monthly and as needed;

38.1.2 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;

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

38.1.4 For infants 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 written health care provider documentation stating otherwise;

38.1.5 Mixing formula or breast milk in a bottle with cereal, juice, or anything other than water requires written health care provider permission;

38.1.6 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 may be seated in a high chair or at a feeding table. Only one infant shall be held while bottle feeding;

38.1.7 A licensee shall ensure infants are allowed to take breaks during feedings. Infants shall be checked for signs of fullness and shall be allowed to stop eating when full unless written health care provider documentation requires the feeding to continue;

38.1.8 An infant shall never be placed in sleep equipment with a bottle or have a bottle propped for feeding;

38.1.9 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. They shall not be warmed or thawed in a microwave oven;

38.1.10 Foods for infants shall have a texture and consistency that helps them to eat safely. Puréed foods must be served from a dish unless serving the entire contents of the jar.

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

38.1.12 Bottles and nipples kept by a licensee shall be washed and sanitized before each use;

38.1.13 Each infant's bottle shall be labeled with the infant's name, when caring for more than one bottle-fed child, and refrigerated immediately after preparation at the home or on arrival if prepared by a parent/guardian;

38.1.14 An unused bottle shall also be labeled with the date it was prepared if not returned to the parent/guardian at the end of the day;

38.1.15 Formula shall only be prepared from a factory-sealed container; unused portions of formula shall be thrown away after being unrefrigerated for one hour; refrigerated, unused, prepared formula shall be thrown away after 48 hours;

38.1.16 Parent/guardian permission is needed to feed formula to an infant receiving only breast milk;

38.1.17 Breast milk shall be fed to the infant it was intended for. Frozen breast milk shall be thawed under running cold water or in the refrigerator and used within 24 hours. Expressed breast milk in a partially used bottle or unrefrigerated for more than one hour shall be thrown away. Refrigerated, unused, expressed breast milk that was never frozen shall be thrown away after 48 hours. Breast milk that was frozen and stored in a freezer at 0°F shall be thrown away after six months;

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

38.1.19 A licensee shall encourage the use of a cup when a child is at least one year old or developmentally able to drink from and hold a cup.

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

PROGRAM FOR CHILDREN

39.0 Activities and Interactions

39.1 A licensee shall interact with children at their eye level and sit on the floor with them whenever appropriate. A licensee shall offer age-appropriate activities to children throughout the day to help their development and school-readiness.

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

39.3 A licensee shall ensure activities and materials are adapted to support all children's learning, including those with disabilities. A licensee shall allow for services to be provided at the home for a child with an IEP or IFSP.

39.4 A licensee shall have and follow a schedule that is posted for easy viewing by parents/guardians and staff members. The schedule shall list times for the following activities: learning opportunities, indoor and outdoor play, rest, meals, and snacks. This schedule may be flexible to meet the needs and interests of the children.

39.5 A licensee shall provide chances for physical activity for each child according to the child's ability. For every three hours the child is in care between 7AM and 7PM, 20 or more minutes of physical activity shall be provided. Daily active play may be divided into one or more blocks of time. It may be indoors or outdoors.

39.6 Weather permitting, infants, toddlers, and older children shall be provided with daily outdoor play. For infants, this may include riding in a stroller or buggy, but must also include play that involves using larger muscles in their arms, legs, feet, and entire body. These may occur on a blanket or other hazard-free space.

39.7 A licensee and staff members shall give each child attention and physical comfort.

39.8 A licensee shall ensure children are not in cribs, pack-n-plays, swings, high chairs, seats, or stationary activity centers for more than 30 minutes at a time while awake. Toddlers and infants, as appropriate shall be provided with an activity during this time. After removing the child from the equipment, children shall be able to move freely on the floor.

39.9 A licensee shall offer activities that meet the needs and interests of school-age children by providing age-appropriate activities, materials, and equipment. These activities shall include the following:

39.9.1 Active physical play, such as games, sports, dancing, running, jumping, climbing, or exploring the environment;

39.9.2 Outdoor activities or active indoor play in bad weather;

39.9.3 Time to talk and interact with others; and

39.9.4 Time to relax or quiet activities, such as board or card games, reading, homework, and studying.

39.10 A licensee shall ensure activities, such as watching television or using a gaming device, tablet, phone, or computer are supervised, age-appropriate, and educational. These screen time activities require written parent/guardian permission and are limited to one hour or less per day, unless a special event occurs.

40.0 Equipment

40.1 A licensee shall provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall help provide many experiences that support all children's social, emotional, language/literacy, intellectual, and physical development.

40.2 A licensee shall ensure enough materials and equipment are available for all children to use. They must include a wide variety of choices for play and learning.

40.3 A licensee shall ensure toys and equipment used by 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 or crush points, splinters, exposed bolts, or small loose pieces. For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission's or "CPSC's" website, currently www.cpsc.gov.

40.4 A licensee shall have infant seats with trays and use T-shaped safety straps for table play and mealtimes for children no longer held for feeding. If using a high chair to meet this requirement, it must also have a wide base.

40.5 A licensee shall prohibit the use of walkers unless prescribed by a health care provider for a specific child.

40.6 A licensee shall prohibit toys that explode or shoot things.

40.7 A licensee shall ensure children under three years old do not have access to empty plastic bags, Styrofoam objects/cups/bowls/toys, latex balloons, and objects less than one inch wide.

41.0 Positive Behavior Management

41.1 A licensee shall have and follow an easy-to-understand written behavior management statement for children. This statement shall be given to parents/guardians and staff members.

41.2 A licensee and staff members shall 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; 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.

41.3 A licensee shall consult with a child's parent/guardian and professionals, if necessary, to create a plan to correct unacceptable behavior.

41.4 A licensee and staff members shall teach by example by being respectful when speaking with children and others.

41.5 "Time-out", if used, shall be used only as necessary to help the child gain control of behaviors and feelings. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age. A child removed from the group during a "time-out" shall be supervised.

41.6 A licensee shall ensure the following acts are prohibited:

41.6.1 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;

41.6.2 Yelling at, humiliating, or frightening children;

41.6.3 Physically or sexually abusing a child;

41.6.4 Encouraging or allowing children to hit or punish each other;

41.6.5 Making negative comments about a child's looks, ability, ethnicity, family, or other personal traits;

41.6.6 Denying children food or toilet use as a result of inappropriate behavior;

41.6.7 Tying, taping, chaining, caging, or restraining a child by a means other than holding. The child is held only as long as necessary for the child to regain control;

41.6.8 Punishing children for a toileting accident, failing to fall asleep, to eat all or part of food, or to complete an activity; or

41.6.9 Withholding physical activity as punishment.

42.0 Sleeping Accommodations and Safe Sleep Environments

42.1 A licensee shall ensure the program includes times for rest or sleep appropriate to each child's individual physical needs. Sleep equipment shall meet the safety standards required by the CPSC and kept in a safe condition. The sleep area shall provide enough light to allow the children to be seen. A quiet activity shall be provided for children who have rested for 30 minutes and do not seem to need or want more rest.

42.2 A licensee shall ensure each child has clean, safe, age-appropriate sleep equipment. This may be a crib, playpen, pack-and-play (without ripped mesh), cot, bed, or mat. School-age children who do not sleep at the home do not need sleep equipment. A licensee shall label sleep equipment with the child's name or assigned chart number unless cleaned and disinfected after each use. A licensee shall document chart numbers and assignments and keep them current. Children must use their assigned equipment while enrolled in the home.

42.2.1 Mattresses and sleep equipment shall be waterproof and cleanable. Children over age one shall be provided with top and bottom covers. Clean bedding at least weekly and when soiled or wet. A tight-fitting bottom mattress sheet is required for infants.

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

42.2.3 Each child under 18 months old who does not walk shall sleep in a crib, playpen, or pack-and-play. A child between 12 and 18 months old who walks may sleep on a cot, mat, or bed with written parent/guardian permission.

42.3 A licensee shall ensure sleep equipment is placed at least 1½ feet apart while in use.

42.4 A licensee shall ensure cribs meet the current standards of the CPSC.

42.4.1 Cribs shall not be stacked while in use.

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

42.4.3 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.

42.4.4 Crib mattresses shall be firm and tight fitting to the frame and covered with a tight-fitting bottom sheet only. Pillows, bibs, blankets, bumper pads, comforters, top sheets, quilts, sheepskin, stuffed toys, sleep positioning devices (except as described in subsection 42.5), and other items are prohibited in a crib, pack-and-play, and playpen. Infants may use pacifiers in a crib. Toys or objects attached to cribs, pack-and-plays, or playpens are prohibited.

42.4.5 The use of soft surfaces, such as soft mattresses, pillows, sofas, and waterbeds, as infant sleeping surfaces is prohibited.

42.4.6 Swaddling of infants requires written parent/guardian permission. Blankets are prohibited for swaddling when laying an infant down to sleep. However, swaddle-blanket sleepers may be used.

42.5 Infants shall sleep only in cribs, pack-and-plays, and playpens. Infants shall be placed on their backs when laid down to sleep as recommended by the American Academy of Pediatrics. OCCL allows an exception when the infant's health care provider documents that a physical or medical condition requires a different sleeping position or use of a sleep-positioning device. The health care provider must list the new sleep position or the device and how to use it.

42.6 The licensee may allow children in care under age two to sleep in other areas with written parent permission and documented sleep checks every 15 minutes. The other area must be on the same level of the home where care is provided. If the area or room has a door, it must remain open when a child is using the area.

42.7 The licensee may allow children over age two to sleep in other areas alone without other children as long as the area is on the same level of the home where care is provided.

42.8 Household children may sleep in their own bedroom as long as it is on the same level of the home where care is provided.

43.0 Field Trips and Outings

43.1 A licensee shall ensure children are not permitted off-site unless accompanied by a licensee or a staff member qualified to be alone with children, if applicable.

43.2 A licensee shall have written parent/guardian permission before taking a field trip. The permission slip must state the location of the trip and who will provide transportation.

43.3 A licensee shall have written parent permission for routine outings. The permission slip must state how often the outing occurs, the location of the outing, and how children will travel to the location.

43.4 A licensee shall have and follow a plan for field trips or routine outings that includes procedures for accounting for children at all times and transporting children in an emergency. Medical consent forms and emergency contact information for all children, a traveling first aid kit, and a working phone shall be taken on trips or outings. The home's name and phone number shall be on tags or another label on each child. A child's name or information that directly identifies the child shall not be placed on the child.

43.5 A licensee shall ensure children are under constant supervision whenever off-site to ensure safety. Parents/ guardians volunteering for field trips shall never be alone with children other than their own.

44.0 Transportation

44.1 A licensee shall ensure the driver and vehicle used to transport children complies with all applicable federal, State and local laws. The licensee shall not use 12-15 passenger vans to transport children.

44.2 A licensee shall ensure the driver of a vehicle does not transport more children and adults than the vehicle's capacity determined by the manufacturer.

44.3 A licensee shall ensure the vehicle is inspected for safety before transporting children.

44.4 A licensee shall ensure each child is secured in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while the vehicle, other than a school bus, is in motion. Safety restraints shall be federally approved and labeled according to the applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used as determined by the manufacturer and vehicle's instruction manual. Safety restraints shall be kept in a safe working condition and free of recall.

44.5 A child preschool-age or younger shall only be transported on a school bus that is properly equipped with child safety restraints. With written parent/guardian permission, a child preschool-age or younger may be transported on a school bus unrestrained. A licensee shall explain to parent(s)/guardian(s) in writing that while child safety restraints on school buses for children preschool-age or younger are not currently required by State law, the National Highway Traffic Administration recommends that children in this age group always be transported using child safety restraints.

44.6 A licensee shall ensure vehicles used to transport children, including parent/guardian vehicles used for field trips (unless only transporting his or her own children), have and use the following:

44.6.1 A working heater capable of keeping an interior temperature of at least 50°F;

44.6.2 Air-conditioning to reduce the interior temperature when it exceeds 82°F (school buses are exempt);

44.6.3 A working phone;

44.6.4 A traveling first aid kit including children's emergency contact information; and

44.6.5 A dry chemical fire extinguisher approved by Underwriter's Laboratory.

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

44.8 A licensee shall ensure all doors are locked when the vehicle is moving.

44.9 A licensee shall have written parent/guardian permission for transportation provided by the home. A licensee shall document arrangements with the parent/guardian when driving children to and from the child's school. A licensee shall inform the parent/guardian who is driving the vehicle and ask about special needs the child may have during the ride.

44.10 A licensee shall ensure children are never alone in the vehicle and the vehicle is visually checked at the final location so that no child is left behind.

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

45.0 Overnight Child Care

45.1 A licensee providing overnight care shall ensure children are supervised at all times.

45.2 A licensee shall provide a program of activities to children before bedtime.

45.3 A licensee shall meet a child's needs for attention at bedtime and upon wakening. A licensee shall discuss with the parent/guardian any special preferences or habits regarding bedtime and wakening and share this information with the staff member, if applicable, in charge of the child.

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

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

45.6 A licensee shall provide the following equipment for each child in care between the hours of 10:00 PM and 6:00 AM, who sleeps for four or more hours:

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

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

45.6.3 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

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

45.7 A licensee shall ensure each child has clean and comfortable clothes to sleep in.

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

45.8.1 Each child shall be bathed individually.

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

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

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

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

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

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

45.10 A licensee shall ensure there is a night light in the bathroom, hallway, and sleeping areas based on the individual needs of the children.

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

ADDITIONAL PROVISIONS FOR FAMILY CHILD CARE

46.0 Maximum Consecutive Hours of Child Care

A licensee shall care for children no more than 17 hours within a day, with at least seven uninterrupted hours of rest. No other work shall occur during the hours of rest.

47.0 Qualifications

47.1 A licensee shall submit copies of training certificates, transcripts, and/or diplomas to OCCL as proof of meeting the qualifications for a particular level.

47.2 For programs licensed after January 1, 2009, a licensee shall be at least 18 years old and have at least a high school diploma or its equivalent to qualify as a Level I family home.

47.3 A licensee shall request approval from OCCL to move from a Level I to a Level II family home. A licensee shall not operate a Level II family home until receiving written approval from OCCL.

47.4 A licensee shall have the following experience to qualify as a Level II:

47.4.1 Twenty-four months of experience working with children in a group; or

47.4.2 Three months of supervised student teaching; or

47.4.3 Twenty-four months of providing child care as a licensed Level I family home with no substantiated complaints for serious health and safety violations, or substantial noncompliance.

47.5 A licensee shall be at least 18 years old and have at least a high school diploma or its equivalent, and successfully complete of one the following to qualify as a Level II:

47.5.1 Sixty clock hours of training with three clock hours in each of the following 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 related to running a child care; or

47.5.2 Three college/university credits in courses related to any of the following 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 related to running a child care; or

47.5.3 Qualified as at least an early childhood assistant teacher as per DELACARE: Regulations for Early Care and Education and School-Age Centers (2015).

48.0 Training

48.1 A licensee and substitute used for planned, non-emergency situations as stated in Section 14.0 shall complete certifications in first aid and in cardio-pulmonary resuscitation or "CPR". The CPR certification shall require a skill demonstration and be appropriate to the ages of the children in care. Certifications shall be kept current.

48.2 A licensee shall successfully complete at least 12 clock hours of annual training as accepted by OCCL.

48.2.1 Annual training shall be within three of the following 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 related to running a child care facility.

48.2.2 Annual training may be within one or two areas if a college/university course was successfully completed or a training was six or more clock hours in length.

48.3 A licensee shall complete annual training during the dates that appear on the annual license.

49.0 Capacity

49.1 A Level I family home shall be licensed to provide child care for up to four children preschool-age or younger and for up to two additional school-age children that do not live in the family home and attend only before school, after school, during school holidays, and during school vacation;

49.1.1 No more than two of the six children may be under the age of 12 months; and

49.1.2 No more than six children may be present at any time. School-age children may fill preschool-age or younger children's spaces.

49.2 Another option for a Level I family home is to provide child care for up to five children preschool-age and younger and no additional school-age children that do not live in the family home;

49.2.1 No more than two of the five children may be under the age of 12 months; and

49.2.2 No more than three of the five children may be under the age of 24 months.

49.3 A Level II family home shall be licensed to provide child care for up to six children preschool-age or younger and for up to three additional school-age children who do not live in the family home and attend only before school, after school, during school holidays, and during school vacation;

49.3.1 No more than two of the nine children may be under the age of 12 months; and

49.3.2 No more than four of the nine children may be under the age of 24 months; and

49.3.3 No more than nine children may be present at any time. School-age children may fill preschool-age or younger children's spaces.

50.0 Indoor Space

50.1 For the family home licensed before January 1, 2009, a licensee shall ensure the family home provides each child with space for movement and active play. If the home moves from Level I to Level II, a licensee shall provide 25 square feet of indoor space for each child in care.

50.2 For the family home licensed after January 1, 2009, a licensee shall provide 25 square feet of indoor space for each child in care to allow for movement and active play. Measurements shall be from wall to wall with the licensing specialist subtracting areas where furniture restricts children's movement to determine the square footage. OCCL will not count bathrooms, storage spaces, hallways, furnace rooms, and other areas not used by children in the square footage.

51.0 Outdoor Fencing

51.1 A licensee shall ensure the outdoor play area of the family home is fenced if hazards are near. Such hazards include, but are not limited to, high traffic roads, water in streams, rivers, ponds, lakes, pools, railroads, steep mounds or drop-offs, and high voltage wires or poles/towers.

51.1.1 Fencing shall be sturdy, safe, reinforced at intervals to give support, constructed to discourage climbing, and allow for viewing the children.

51.1.2 Fencing shall be at least four feet in height with openings no larger than 3½ inches.

51.1.3 Gates shall have a self-closing and self-latching closure device. The latch or closure device shall be high enough or made so small children cannot open it.

51.1.4 Fenced areas shall have at least two exits. At least one exit shall be away from the building.

ADDITIONAL PROVISIONS FOR LARGE FAMILY CHILD CARE HOMES

52.0 Insurance

The applicant shall show proof of property and comprehensive general liability insurance. This insurance shall specifically cover the large family home business. A licensee shall keep proof of insurance throughout licensure.

53.0 General and Fire Safety

53.1 A licensee shall ensure a large family home is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local, and municipal regulatory bodies.

53.1.1 A licensee shall have written compliance certification from appropriate regulatory bodies governing zoning, building construction, and fire safety.

53.1.2 The designated fire marshal shall conduct a fire inspection annually.

53.1.3 A licensee shall ensure the large family home is free of hazardous materials. If the large family home was constructed before 1978, a licensee shall provide a lead-paint risk assessment performed by a certified environmental testing firm showing the home to be free of lead-based paint hazards. If a firm finds concerns, a lead inspection is required. A licensee shall submit the findings of this test. Buildings constructed after 1978 are exempt from lead-paint assessments and testing.

53.2 A licensee or staff member shall conduct monthly fire prevention inspections. A licensee or staff member shall post a copy of the latest inspection report in a visible place at the large family home.

54.0 Kitchen

54.1 A licensee shall ensure the large family home has at least one separate sink used only for hand washing in the kitchen used for food preparation.

54.2 A licensee shall ensure in addition to the hand-washing sink listed in the above regulation, the large family home also has one of the following options:

54.2.1 Two-compartment sink in the kitchen, with one compartment used for food preparation and the other used for washing and sanitizing cooking and eating utensils; or

54.2.2 One other sink in the kitchen used for food preparation along with a dishwasher that has a sanitizer cycle used for washing and sanitizing cooking and eating utensils.

54.3 A licensee shall ensure the large family home has an oven or microwave and a range or cook top.

54.4 A licensee shall ensure the large family home kitchen has either a window that opens or an exhaust fan for the removal of smoke and odors.

54.5 A large family home is exempt from Section 54.0 when parents/guardians provide the food for meals and snacks or a licensee uses a caterer. No food preparation may occur on-site when the large family home's kitchen does not meet the requirements in Section 54.0.

55.0 Indoor Space

A licensee shall ensure the large family home has 35 square feet of indoor space for each child that allows for movement and active play. Measurements shall be from wall to wall with the licensing specialist subtracting areas where the furniture restricts children's movement to determine square footage. OCCL will not count bathrooms, kitchen areas, storage spaces, hallways, furnace rooms, and other areas not used by children in the square footage.

56.0 Outdoor Fencing and Space

56.1 A licensee shall ensure the outdoor play area of the large family home is fenced.

56.2 Fencing shall be sturdy, safe, reinforced at intervals to give support, constructed to discourage climbing, and allow the viewing the children.

56.3 Fencing shall be at least four feet in height with openings no larger than 3½ inches.

56.4 Gates shall have a self-closing and self-latching closure device. The latch or closure device shall be high enough or made so small children cannot open it.

56.5 The fenced area shall have at least two exits. At least one exit shall be away from the building.

56.6 The outdoor play area shall provide 50 square feet of play space for each child for the maximum number of children who will use the playground at one time.

57.0 Personnel Policies

57.1 A licensee shall have written personnel policies and procedures available to staff members. These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension, and lay-off of the staff member according to applicable laws. A statement signed by the staff member on the orientation form shall confirm the review of these personnel policies and procedures and that the staff member was able to ask questions and receive clarification.

57.2 A licensee shall develop, follow, and keep on file written policies and procedures that comply with applicable laws for handling suspected child abuse or neglect that occurs while a child is in or out of the large family home's care.

57.3 A licensee shall ensure no one abuses or neglects children.

57.4 A licensee shall take corrective action to remove the conditions that may have caused or otherwise resulted in a risk of abuse or neglect to children, if the abuse or neglect happened at the home by a staff member.

57.5 A licensee shall ensure a licensee or staff member accused of child abuse or neglect is prohibited from working with children until the results of an investigation are completed and OCCL clears the individual to work with children.

58.0 Personnel Files

58.1 A licensee shall have a personnel file for each staff member. This file shall be available upon request for three months after employment ends. Except as noted, all file contents are required at the start of employment and shall include the following:

58.1.1 Completed application, or résumé containing the person's name, date of birth, home address, and phone number;

58.1.2 Work start date, and end date, if applicable;

58.1.3 Two references from adults not related to the person who can verify the person can meet the needs of children. These references can be letters or written notes gathered by calling the reference. Phone references require the reference's name, phone number, date called, information about the staff member's character and if the reference has knowledge about how the person works with children, and the name of person receiving the reference;

58.1.4 Release of employment history form and received Service Letters, or documentation showing requests, and follow-up for Service Letters has been made. If the person has not worked or if unable to get at least one completed service letter, two additional reference letters or phone references are required;

58.1.5 Proof of qualifications, if applicable;

58.1.6 Health appraisal on file within the first month of employment, conducted within one year before the start date. This appraisal shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required.

58.1.7 TB test or medical professional risk assessment on file within the first month of employment, conducted within one year before the start date, with further testing if a health care professional has concerns regarding the person's health or according to DPH's guidelines (current website: www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf);

58.1.8 A statement signed by the staff member stating the staff member's status regarding all previous conviction(s), current indictment 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; serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the division or the respective responsible entity in another state or country;

58.1.9 Documentation of a fingerprinting appointment scheduled before the start of employment and verification of fingerprinting form within 30 days of the person's start date;

58.1.10 Adult abuse registry check;

58.1.11 Documentation acknowledging the person is aware that the use of alcohol or a drug that could negatively affect essential job functions, or unlawful possession, manufacture, or distribution of alcohol or drugs, or possession while working of a controlled substance other than by the person for whom it was prescribed is prohibited in the large family home;

58.1.12 Documentation informing the person of the child abuse and neglect mandated reporting law and reporting procedures;

58.1.13 If transporting children, a copy of the current driver's license;

58.1.14 Copy of job description;

58.1.15 Orientation form that includes documentation that the information in these regulations was reviewed as required, that the person received training on prevention and control of infectious diseases, including immunization; safe sleep practices, including prevention of sudden infant death syndrome; administration of medication, if applicable; prevention of and response to food allergies; building and physical grounds safety; prevention of shaken baby syndrome and abusive head trauma; emergency preparedness and response planning; storage of hazardous materials and biocontaminants; safety measures in transporting children, if applicable; and that the person was able to ask questions and receive clarification; and

58.1.16 Record of annual training hours, if applicable.

59.0 Qualifications

59.1 A licensee and each staff member shall submit copies of training certificates, transcripts, and/or diplomas to OCCL as proof of meeting the qualifications of a particular position.

59.2 The owner (now licensee), caregiver (now large family provider), or associate caregiver (now large family assistant) of a large family home that was licensed before January 1, 2009, may continue to qualify for the former positions as stated in DELACARE: Requirements for Large Family Child Care Homes (1994) only if remaining at the same large family home. Staff members hired after January 1, 2009, are required to meet the qualifications of these regulations for those positions.

59.3 A licensee shall be at least 21 years old, have 24 months of experience working with children in a group, and have a high school diploma or its equivalent.

59.3.1 A licensee shall be considered a staff member if present at the large family home during the hours of operation for seven or more hours per week. A licensee is required to follow all regulations regarding a staff member.

59.4 A licensee shall serve as or hire a person to serve as the large family provider at the large family home. A licensee shall ensure the large family provider is at least 21 years old, has 24 months of experience working with children in a group, has a high school diploma or its equivalent, and has successfully completed one of the following:

59.4.1 Training for Early Care and Education 1 and 2;

59.4.2 A Child Development Associate Credential (CDA) that is kept valid/current;

59.4.3 Delaware Department of Labor's Early Childhood Apprenticeship Program;

59.4.4 A high school diploma from a vocational/technical high school's three-year program in early childhood education approved by Delaware's Department of Education;

59.4.5 Nine college/university credits, including three in early childhood education, three in child development, and three in positive behavior management;

59.4.6 One-year early childhood diploma program from a two-year college;

59.4.7 An Associate degree from an accredited college or university and six college/university credits of child development or early childhood education; or

59.4.8 Qualified as at least an early childhood teacher as per DELACARE: Regulations for Early Care and Education and School-Age Centers (2015).

59.5 A licensee or large family provider licensed after January 1, 2009, shall have nine clock hours of training related to administrative duties, such as hiring staff and paying bills related to operating a child care facility, unless these duties are performed by another person or company. A written plan approved by OCCL shall be required listing the person's qualifications or company who performs these duties. If the person or company changes, a new plan is required.

59.6 A licensee shall ensure the large family assistant is at least 18 years old, has six months of experience working with children in a group, has a high school diploma or its equivalent, and has successfully completed one of the following:

59.6.1 Sixty clock hours of training with a minimum of three clock hours in each of the following 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; and professionalism;

59.6.2 Three college/university credits in courses related to any of the following 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 related to operating a child care facility; or

59.6.3 Qualified as at least an early childhood assistant teacher as per DELACARE: Regulations for Early Care and Education and School-Age Centers (2015).

59.7 A licensee shall ensure that the large family aide is at least 18 years old and has a high school diploma or its equivalent. The large family aide shall remain under the direct supervision of the large family provider or large family assistant. The large family aide may not be alone with a child or group of children at any time.

59.8 A licensee shall ensure a volunteer is always under the supervision of the large family provider and direct supervision of at least the large family assistant.

60.0 Training

60.1 A licensee shall ensure that within two months of hire, staff members and the non-emergency substitute have certifications in first aid and CPR. The CPR certification shall require a skill demonstration and be appropriate to the ages of the children in care. A licensee shall ensure certifications are current. The large family provider must have these certifications to open a large family home.

60.2 A licensee, present at the large family home for seven hours or more per week, large family provider, large family assistant, and large family aide shall successfully complete 15 clock hours of annual training as accepted by OCCL. Annual training shall be completed during the dates that appear on the license.

60.2.1 Annual training shall be within three of the following 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 related to operating a child care facility.

60.2.2 Annual training may be within one or two areas, if a licensee or staff member completes a college/ university course or if the training is six or more hours in length.

61.0 Staffing

61.1 A licensee shall ensure the large family home has at least one staff member qualified as a large family provider.

61.2 A licensee shall ensure the large family home has at least one staff member qualified as a large family assistant or large family aide.

61.3 A licensee shall ensure the large family provider is present at the large family home at least 75% of the hours of operation.

61.4 A licensee shall keep a written record of the daily schedule of staff members including their exact hours worked each day.

61.5 A licensee shall ensure every infant has a known staff member who has the primary, but not the only, responsibility for feeding, comforting, and otherwise caring for the infant's needs.

62.0 Capacity and Staff/Child Ratios

62.1 A licensee's own household members shall not count in the capacity when care is provided at a commercial location unless the child is present.

62.2 OCCL shall license a large family home to provide care for up to 12 children.

62.3 A licensee shall ensure a large family provider or large family assistant in accordance with subsection 61.3 may alone care for six children preschool-age or younger and three additional school-age children who do not live in the large family home and attend only for before school, after school, during school holidays, and during school vacation;

62.3.1 No more than two of the nine children are under the age of 12 months; and

62.3.2 No more than four of the nine children are under the age of 24 months; and

62.3.3 No more than nine children may be present at any time. School-age children may fill preschool-age or younger children's spaces.

62.4 A licensee shall ensure a large family provider and large family assistant or large family aide are present when there are seven or more preschool-age or younger children present.

62.4.1 No more than four of the 12 children are under the age of 12 months; and

62.4.2 No more than six of the 12 children are under the age of 24 months; and

62.4.3 No more than 12 children may be present at any time. School-age children may fill preschool-age or younger children's spaces.

62.5 A licensee shall ensure a large family provider and two additional staff members are present when:

62.5.1 Five or six children 12 months or younger are present; no more than six children under the age of 12 months may be present at any time; or

62.5.2 Seven or more children under the age of 24 months are present; and

62.5.3 No more than 12 children may be present at any time. School-age children may fill preschool-age or younger children's spaces.

APPENDIX

OCCL REQUIRED MEAL COMPONENTS WHEN PROVIDING MEALS TO CHILDREN			
MEAL COMPONENT	**Ages 1 through 2**	**Ages 3 through 5**	**Ages 6 through 12**

BREAKFAST – Serve all 3 of the following components (meat/meat alternate is optional):			
1. Milk, fluid (whole for 12-24 months; 2%, 1%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice[1]/ 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)*[2]	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
LUNCH or DINNER – Serve the following 5 components:			
1. Milk, fluid (whole for 12-24 months; 2%, 1%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice[1]/ Vegetable	1/4 Cup	1/2 Cup	3/4 Cup
3. Fruit or vegetable	1/4 Cup	1/2 Cup	3/4 Cup
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)*[2]	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

[1] Juice: Only 100% unsweetened juice may be served.

[2] Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

OCCL REQUIRED SNACK COMPONENTS WHEN PROVIDING SNACKS TO CHILDREN

MEAL COMPONENT	**Ages 1 through 2**	**Ages 3 through 5**	**Ages 6 through 12**
SNACK – Serve 2 of the following 4 components:			
1. Milk, fluid (whole for 12-24 months; 2%,1%, or fat-free for age 2 and older)	1/2 Cup	1/2 Cup	1 Cup
2. Fruit /Juice[1]/ 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)*[2]	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

[1] Juice: Only 100% unsweetened juice may be served.
[2] Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

OCCL REQUIRED MEAL COMPONENTS WHEN PROVIDING MEALS AND SNACKS TO INFANTS

MEAL COMPONENT	**Birth through 3 Months**	**4 through 7 months**	**8 through 11 months**
BREAKFAST – Serve the following 3 components:			
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
LUNCH OR DINNER – Serve the following 4 components:			
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	None	None	1 – 4 Tablespoons
Lean meat, poultry, fish, egg yolk, cooked beans or peas	None	None	1 – 4 Tablespoons
Cheese *(No Cheese Food)*[1]	None	None	1/2 – 2 ounces
Cottage Cheese	None	None	1 – 4 ounces
SNACK – Serve the following 2 components:			
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

[1] Cheese: Cheese must be real, natural cheese. Cheese food or cheese products may not be served.

12 DE Reg. 810 (12/01/08)
20 DE Reg. 474 (12/01/16)