

# DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

## DIVISION OF FAMILY SERVICES

### OFFICE OF CHILD CARE LICENSING

Statutory Authority: 29 Delaware Code, Section 9003(7) and 31 Delaware Code, Section 343

(29 **Del.C.** §9003(7); 31 **Del.C.** §343)

9 **DE Admin. Code** 101

## FINAL

## ORDER

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

#### NATURE OF PROCEEDINGS

The Department of Children, Youth and Their Families ("DSCYF") initiated proceedings to adopt State of Delaware Regulations for Early Care and Education and School-Age Centers. The proceedings were initiated pursuant to 31 **Delaware Code**, Sections 341-345 and 29 **Delaware Code** Chapter 101.

On April 1, 2015 (Volume 18, Issue 10) DSCYF published in the Delaware *Register of Regulations* its notice of proposed regulations pursuant to 29 **Delaware Code** Section 10115. Written comments were accepted until April 30, 2015. The proposed regulations were also posted in the June 2014 and December 2014 Delaware *Register of Regulations*. Comments were received after each posting and DSCYF evaluated these comments and factual evidence. Additional public comments were received from the Provider Advisory Board, from providers, and stakeholders during a series of Task Force meetings. Many regulations were revised based on these comments. The results of the evaluation of the comments received regarding the April 1, 2015 posting are summarized in the accompanying "Summary of Evidence."

#### SUMMARY OF EVIDENCE

In accordance with Delaware law, the Office of Child Care Licensing (OCCL) published in the Delaware *Register of Regulations* DELACARE: Regulations for Early Care and Education and School-Age Centers in June 2014, December 2014, and in April 2015. Public notices that proposed regulation changes had been published in the *Register* and that public meetings would be held in June/July 2014 to accept verbal comments were published in two newspapers of general circulation. Comments were gathered from each posting in the *Register*. The last period of public comment ended on April 30, 2015 with written comments provided by the following:

- Kathie Cherry, The Governor's Advisory Council for Exceptional Citizens (GACEC)
- Daniese McMullin-Powell, Chairperson, State Council for Persons with Disabilities
- Connie Merlet, on behalf of the Provider Advisory Board
- Mollie Poland, MPP, Nemours Health and Prevention Services

Please note that comments included here are those that pertain directly to the proposed regulations. Those that did not address the regulations have not been incorporated. In some cases, it was necessary to summarize comments.

#### **Daniese McMullin-Powell, Chairperson, State Council for Persons with Disabilities and Kathie Cherry, The Governor's Advisory Council for Exceptional Citizens (GACEC)**

First, Section 3.3.7 identifies certain school-based programs as exempt. However, §7.2 requires school-based programs operated by non-employees of the school to be licensed. For clarity, a reference to §7.2 should be included in §3.3.7. Otherwise, someone reviewing the exemption section could interpret §3.3.7 as exempting school-based programs regardless of operation by non-employees of the school. For example, the reference to "(t)his exclusion shall include all programs operated by these schools" could be interpreted as covering a situation in which the school contracts with a third party to provide the child care program.

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise regulation 3.3.7 to read "This exclusion shall include all programs operated by these schools, except as stated in Section 7.2, and shall also include preschool education programs for people with disabilities as defined by 14 **Delaware Code**, Section 3101(4)."

Second, in §4.0, definition of "Section 504 Plan", SCPD recommends inserting "with a disability" between "child" and "to".

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise the definition of "Section 504 Plan" to include "with a disability" after the word child.

Third, Section 13.3.2 requires a licensee to notify OCCL if a child is injured "while in the care of the center when the center is informed the child required medical/dental treatment". See also §61.3. SCPD has a few concerns with this

standard.

- A. It provides an incentive to "hide" or "not treat" an injury since reporting is not required if the child does not receive medical treatment. Concomitantly, it provides an incentive not to ask a parent if a child were treated "off-site" since that would "trigger" the reporting requirement.

**Agency Response:** The agency appreciates and acknowledges these comments. Requiring notification to OCCL of medical treatment is not a new requirement. If a child is injured and receives medical treatment by a health care provider, OCCL must be informed to confirm that the child received the necessary treatment, the center corrected any unsafe situation/circumstances that led to the injury, and other children are safe. These regulations will remain as written.

- B. The term "medical treatment" is unclear and a licensee who wishes to avoid attention/scrutiny may interpret the reference to only apply to treatment by a physician. The regulations note that some centers will have a registered nurse (§55.0). If the R.N. treats a wound or injury, does this qualify as "medical treatment" triggering the reporting requirement? Licensees are required to provide "first aid" (§§34.0 and 61.0). Does provision of "first aid" qualify as "medical treatment"? Section 61.1.2 appears to differentiate between "first aid" and "medical care".

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise regulations 13.3.2 and 61.3 by adding the words "other than any first aid provided at the center" after the word treatment.

Fourth, Sections 13.3.5 and 60.5 require licensees to report medication errors (including administering drug to wrong child or administering the wrong dose) only if the error "results in medical treatment". This is an imprudent approach. Comparable regulations require reporting of errors which result in discomfort or jeopardize health. See, e.g. 16 DE Admin Code 3310.2.0 (definition of "reportable incident"); 16 DE Admin Code 3301, 2.0 (definition of "reportable incident"). Adopting a "medical treatment" "trigger" for reporting also provides a licensee with a disincentive to refer a child for medical treatment to avoid attention/scrutiny. By analogy, §60.5 requires immediate reporting of medication errors to a parent regardless of manifest harm or need for medical treatment. Finally, §§13.3.5 and 60.5 are not consistent. The former requires a written report within 3 business days while the latter does not.

**Agency Response:** The agency appreciates and acknowledges these comments. Previously, there was no requirement for OCCL to be made aware of errors in the administration of medication. This new regulation helps OCCL to ensure children's safety by requiring licensing staff to be informed if center staff did not administer medication properly. The agency will revise regulation 60.5 to read "When known to the center, adverse effects or errors in administering medication that result in medical treatment shall be reported within one business day to the OCCL, followed by a written report within three business days.

Fifth, in its June and December commentary, the Council recommended adding extended physical restraint to the list of reportable "events". This has not been incorporated into the latest proposed regulation. For example, while mechanical restraint is banned (§65.5.6), there are no standards for "physical" restraint which could theoretically last for extended periods without triggering a report to the OCCL. Obviously, some immediate physical restraint to prevent injury or elopement may be appropriate. However, use of physical restraint for extended periods should be reportable.

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise 65.5.6 to read "Tying, taping, chaining, caging, or physically or mechanically-restraining a child;"

Sixth, there is no limit on certain forms of physical restraint. By analogy, IBSER regulations ban prone (face-down) restraint and seated basket holds. See 16 DE Admin Code 3320.20.11. Some limits could be included in §65.0.

**Agency Response:** The agency appreciates and acknowledges these comments. As mentioned above, the agency will revise 65.5.6 to prohibit physical restraint of children.

Seventh, DFS added a reference to the ADA and DEAL to §14.2 per the Councils' earlier recommendations. SCPD endorses this provision.

**Agency Response:** The agency appreciates these comments.

Eighth, Section 27.3.3 refers to the "GED Test". The Department of Education changed its "GED" regulation and the current reference is "secondary credential assessment" which encompasses a GED and alternatives. See 17 DE Reg. 469 (11/1/13) (proposed); 17 DE Reg. 724 (1/1/14) (final). In other sections, the regulation refers to "high school diploma or equivalent recognized by Delaware Department of Education". See, e.g., §§27.7.1 and 77.2.1.

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise regulation 27.3.3 to read "The secondary credential assessment (such as the GED ®Test and alternatives) will only be accepted if the examination was completed through the American Council on Education or individual state-sanctioned agencies."

Ninth, Section 27.10.1 has a plural pronoun (they) with a singular antecedent (intern). Consider substituting "the intern is" for "they are".

**Agency Response:** The agency appreciates and acknowledges these comments. The Agency will revise regulation 27.10.1 to read "A licensee shall ensure that an early childhood intern is at least 16 years of age or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood."

Tenth, SCPD endorses Section 28.6 since it deters staff participating in "personal activities which would interfere with providing care to children". One of the most prevalent sources of "inattention" may be cell phone use. At a minimum, the

regulation could be amended to explicitly require licensees to adopt a policy on cell phone use. For example, the following third sentence could be added to §28.6: "Without limitation, each licensee shall adopt and implement a written policy on direct-care staff cell phone use during hours of operation."

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise regulation 28.6 to read "Staff charged with caring for children shall not be given other duties or participate in personal activities such as using a cell phone which would interfere with providing care to children."

Eleventh, Section 36.13 categorically bans use of "portable wading pools". The rationale for such a ban is not intuitive. If it's hot, toddlers and preschoolers would ostensibly benefit from playing in a small inflatable or soft-sided pool. It would be helpful if the Division could explain the rationale regarding the categorical ban regarding "portable wading pools". In addition, the Division may want to consider additional language which would require staff to be present in this context.

**Agency Response:** The agency appreciates and acknowledges these comments. According to Caring for Our Children: National Health and Safety Performance Standards for Early Care and Education Programs (CFOC), "Small portable wading pools shall not be permitted because they do not permit adequate control of sanitation and safety and provide a superior means of transmission of infectious diseases, including e coli often found in stool. Wading pools can easily become contaminated. Infection with e coli is a primary cause of the most common cause of kidney failure in children in the US and is fatal in 5% of cases." Additionally, the Delaware Department of Public Health regulations require that pools used in a child care facility be in compliance with the pool regulations and a portable wading pool would not qualify under these regulations. The regulation will remain as written.

Twelfth, in §36.17, last sentence, the reference should be to "below 60 degrees F and above 90 degrees F".

**Agency Response:** The agency appreciates and acknowledges these comments. The regulation is written correctly as it provides minimum and maximum temperatures where a center can continue to operate if normal temperatures can be restored within four hours. The regulation will remain as written.

Thirteenth, the Council previously objected to allowing children to ride bikes with wheels below 20 inches in diameter without a helmet. Section 41.0 could still be interpreted as exempting children from wearing a helmet if the wheels are less than 20 inches in diameter. This would violate Title 21 **Del.C.** §4198K.

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise regulation 41.0 to read "All children over one year of age shall wear approved safety helmets while riding bicycles and while riding toys with wheels of 20 or more inches in diameter (such as tricycles), or using wheeled equipment (roller blades, skateboards, etc.), and while standing on and using scooters with handles."

Fourteenth, the Council previously objected to the ratio of toilets to children/staff. The new regulation (§43.2) is worse than the December version. For school age children, the December regulation had a toilet to child ratio of 1:15. The latest regulation has a toilet to child ratio of 1:25. As noted previously, the ratio should be lowered.

**Agency Response:** The agency appreciates and acknowledges these comments. The child-to- toilet ratio was increased to 1:25 to achieve consistency within the regulations. Without this change, school-age only programs are allowed a 1:25 standard while a center with both school-age and early care components would be required to maintain a 1:15 ratio, resulting in an inequity. The regulation will remain as written.

### **The Governor's Advisory Council for Exceptional Citizens (GACEC)**

Section 27.5.1 council questions whether someone with a high school diploma and 24 months of experience is sufficiently qualified to be an early childhood curriculum coordinator.

**Agency Response:** The agency appreciates and acknowledges these comments. Per executive order 36, OCCL was required to reduce or simplify regulations to make them more responsive to the needs of the public without jeopardizing the health and safety of children. The age requirement and educational qualifications remain unchanged for this position. Only the amount of experience was decreased from 36 months to 24 months; lowering the total experience needed for this position allows more individuals to serve in this role. People qualifying as a curriculum coordinator without an AA or BA degree must still have 15 college credit hours in child development or early childhood education in order to be qualified as an early childhood curriculum coordinator. The regulation will remain as written.

In section 28.4.2 an administrator or coordinator could not split their time on a 50% basis among sites if responsible for three or more centers.

**Agency Response:** The agency appreciates and acknowledges these comments. Correct, if the early childhood administrator is responsible for two or more centers, an additional staff who meets the qualifications of early childhood administrator or early childhood curriculum coordinator must be on site 50% of the hours of the early childhood center's operation to assist staff and meet the needs of an operating center. This regulation will remain as written.

### **Connie Merlet, on behalf of the Provider Advisory Board**

It is important for all to remember that if a center does not comply with every one of these regulations, the Licensing Specialist does not issue a new license after yearly inspection. That means the center would be operating illegally. This fact makes these regulations particularly onerous. Unless a center has been issued a variance, and most of these regulations are set up so that a variance as defined by OCCL is inappropriate, they will be out of compliance. Therefore, regulation changes should not be taken lightly, nor should they involve anything but the health and safety of children.

**Agency Response:** The agency appreciates and acknowledges these comments. In the event a center could not correct non-compliance prior to license expiration, a provisional license would be issued. Therefore, the center would not operate illegally.

Provider Advisory Board Comments on Center Regulations:

1. Very problematic in this new draft is the use of the term "procedures" for many, many regulations. OCCL seems to want procedures written for every detail of the center's day. Staff and parent handbooks would double in size, but care would not be affected. Furthermore, the term "procedures" implies there is a step-by-step to everything we do. This is simply untrue. This terminology is throughout the regulations and is inappropriate:

... "written explanation of the Center's policy on"...

... "Procedures to regularly report",...

... "create and utilize a written transition plan"...

... "procedure encouraging parent(s)/guardian(s) to review current licensing regulations..."

**Agency Response:** The agency appreciates and acknowledges these comments. Policies and procedures are necessary to inform staff and parents how the center operates. These lay the foundation to protect the health, safety, and well-being of children in care by ensuring care is provided in a planned manner. As long as the center's policies and procedures are written and clear, they can be detailed or more simplistic, depending on the needs of the center. These regulations will remain as written.

2. Also problematic is the continuous use of the term "and follow" after requirements. PAB imagines it is possible for centers to argue that they do not have to follow required written policies, but the argument seems weak and therefore the use of "and follows" after every policy is redundant and condescending to providers. PAB imagines "gotcha" citations using this language.

**Agency Response:** The agency appreciates and acknowledges these comments. The agency added the "and follow" language because there is a history of instances in which some centers were not following their established policies and procedures. The regulations did not actually state that the center had to follow their policies and procedures which was very problematic for the agency when monitoring regulation compliance. The new language is meant to provide clear guidance. These regulations will remain as written.

3. "Provided and served by the center.." It is questionable whether this includes home provided food, which would violate parental rights.

**Agency Response:** The agency appreciates and acknowledges this comment. "Provided and served by the center" only refers to food that the center provides, not food brought from home. These regulations will remain as written.

4.0 Definition of terms- There is no definition for Appeals. We feel this is a necessity for an easier reference for providers. The definition and use for appealing citations should be and is not currently addressed in the regulations as the OCCL use of appeals is very narrow.

**Agency Response:** The agency appreciates and acknowledges this comment. The definition for administrative hearing includes appeal hearings for enforcement actions. The definition of licensing conference explains that it can be used to appeal citations. An additional appeal definition will not be added.

Assistant Director- or assistant Administrator- there is no definition, and centers need a regulatory definition outside of a "teacher who has been trained in the absence of the administrator.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency does not recognize an assistant director position and is not requiring a new position to be created. The agency is requiring someone to be designated as being in charge of the center (28.4) when the administrator or curriculum coordinator is not present. A center can create this title if desired; however an additional definition will not be added.

School Age Child- PAB would like the definition broadened to include rising kindergartners the summer before kindergarten begins. This is an important time for children to be included with school age groups, especially as they are usually no longer napping. PAB agrees that staff/child ratios need not change however.

**Agency Response:** The agency appreciates and acknowledges this comment. Rising kindergartners have not had the same experiences and usually do not have the same skill development as those children who have completed a year of kindergarten, the youngest age of children in a school-age program. Therefore, these children are considered preschool-age children. They are considered school-age children when they begin kindergarten. The regulation will remain as written.

Successful Completion- A passing grade rather than a C grade should be sufficient.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency's designee for staff qualifications, Delaware First, determined a C was the lowest grade that would be accepted. A person who receives lower than a C did not demonstrate mastery of material. The regulation will remain as written.

The definition for Variance (repeated in reg. 12.0) is inadequate and does not allow for alternative methods or philosophies of care. Further, the form for Variances is repetitive and nonsensical. The necessity of "intent" belies honest variance applicability. PAB would like a broader definition for the use of variances.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency believes the definition is adequate. If a center wants to provide what some might consider "alternative methods or philosophies of care," this should be discussed with their licensing specialist to determine if a variance is required. The regulation will remain as written.

We disagree with the following addition to the previous draft:

(6.2) 6.1.1 The Licensee or any other individual shall permit and shall not impede the interviewing of the Licensee, any staff member or substitute, any child in child care, and the parent(s)/guardian(s) of a child in child care by representatives of the Office of Child Care Licensing, and other authorized state or local officials for the purposes of determining regulation compliance and/or investigating complaints of non-conformity with applicable provisions of these regulations, and any other applicable codes, regulations, or laws.

We will not be responsible for giving permission for the interviewing of children by anyone. That is the parents' prerogative. Further, if statements given by staff may implicate them, as providers we feel we have a duty to advise them not to self-incriminate.

**Agency Response:** The agency appreciates and acknowledges this comment. OCCL, as part of the Division of Family Services, is authorized to interview children without a parent's consent as part of an investigation. The DELACARE Regulations authorize OCCL to investigate non-compliance, which reasonably includes talking to children and staff to find out details or facts. This regulation prevents a licensee or other individual from impeding OCCL's ability to determine regulation compliance or prohibiting or otherwise impeding a regulation complaint investigation. The regulation will remain as written.

11.0 License Denial and Revocation- PAB is pleased with bill passed in June that codes specifications but is not sure if this section is in compliance with such.

(11.3.2)11.1.3.1.1 The final decision of the Secretary will remain in place during the appeal process unless otherwise ordered by the Court pursuant to § 10144 of Title 29.

**Agency Response:** The agency appreciates and acknowledges this comment. The regulation is in compliance with this law. The regulation will remain unchanged.

13.3 under Notifications- PAB objections to this reg are explained under 61.1.2.

**Agency Response:** The agency appreciates and acknowledges this comment. Regulation 13.3 places all notifications to the agency in one central location including the time frames for both written and verbal notification. Regulation 61.1.2 only addresses maintaining a written injury report. The regulation will remain unchanged.

13.3.4 Convictions of staff unrelated to childcare need not follow the staff member, especially as to notifying OCCL.

**Agency Response:** The agency appreciates and acknowledges this comment. 11 Delaware Code, Section 8561 stipulates that a person who is employed in a child care facility has an affirmative duty to inform, and shall inform, that person's own employer of any criminal conviction or of any entry on the Child Protection Registry. OCCL needs to be made aware of these convictions and entry on the Child Protection Registry to protect the health, safety, and well-being of children in licensed child care. In order to protect the health, safety, and well-being of children, individuals providing care should be of good character. This regulation is compliant with Delaware Code. This regulation will remain unchanged.

We strongly object to the following language. It is worse than before. The language below has been moved from another section of the regs. We objected to it earlier and feel the regulation should be reciprocal if included at all:

13.5 0 Telephone calls from the Office of Child Care Licensing requiring a response from the Licensee or staff must be returned within two (2) business days.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency has had numerous instances with centers failing to respond to phone calls. If the agency is calling, it is for a reason that needs prompt attention. While an individual licensing specialist may not be immediately available to respond to a telephone call or email, a provider can receive a prompt response from an intake worker who is available to respond to questions and concerns during business hours each day. The regulation will remain as written.

14.3 We have objected to this regulation in general as it pertains to the business side of center operations which is not the prerogative of OCCL, and when OCCL adds the words "and follows" it is particularly troublesome.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise 14.3 to read "A licensee shall have an organized system of business management and have sufficient staff, space, and equipment to fulfill, at a minimum, administrative, fiscal, clerical Regulation, cleaning, maintenance, food services, direct child care, and supervisory functions."

16.0 Records- PAB needs assurances that FINANCIAL FILES are not included under OCCL review.

**Agency Response:** The agency appreciates and acknowledges this comment. Per 31 Delaware Code, Section 344, OCCL must conduct a thorough investigation and make a favorable determination of sufficient financial backing to ensure effective work in order to issue a license. However, the regulation states that [only] those records and files that are applicable to licensing are required to be available. This regulation will remain as written.

16.2 PAB objects to the specifics included in this regulation and insists that the regulation should end after the word "departure" in the first sentence. This reg is greatly expanded from the old regs and PAB feels the wording in the old regs (126 and 126A) was sufficient. This new reg is extremely time consuming and therefore costly for staff and providers and does not guarantee any increased security for children. Especially problematic is the inclusion of 3 months retention of records. This is a business decision, not the purview of OCCL.

"A licensee shall establish and use a system for documenting attendance at arrival, departure, and every transition to ensure the location of each group of children in attendance at any given time. This system shall verify the location of individual children when a child does not remain with the entire class. These daily attendance records shall be retained by the center for a minimum period of three months."

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise the first sentence of the regulation to read ""A licensee shall establish and use a system for documenting attendance at arrival and departure.

16.3 PAB objects to the specifics included in this regulation and insists that the regulation should end after the word "whereabouts". PAB feels the wording in the old regs (127) was sufficient. This new reg is time consuming and therefore costly for providers and does not guarantee any increased security for children. Especially problematic is the inclusion of 3 months retention of records. This is a business decision, not the purview of OCCL.

"A licensee shall keep a record of the daily work assignment and hours of each staff member to ensure this individual's whereabouts and classroom assignment, and retain these records for a minimum period of three months."

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation helps to keep children safe by tracking staff members' whereabouts throughout the day to ensure staff/child ratios are maintained. Although no time frame for retention of staff attendance sheets was previously included in the regulations, this regulation now provides clear guidance and allows the agency to ensure staff/child ratios were maintained when conducting complaint investigations. OCCL contends that tracking of staff during the work day is not a time-consuming effort and can be recorded easily on a form that OCCL can provide if desired. The regulation will remain as written.

17.1 is redundant. It is the law that we cannot go over capacity.

**Agency Response:** The agency appreciates and acknowledges this comment. There is no law which stipulates capacity. This regulation was created to clearly communicate the center is not permitted to go over licensed capacity which is determined by measured square footage of classroom space. The regulation will remain as written.

17.2 Under Right To Know, PAB realizes that this has been encoded. However PAB feels that the following specifics are an unnecessary interpretation of the law:

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

PAB believes that this is a poor interpretation of Delaware Code. This is a requirement that providers must inform basically anyone who walks in the door their right to inspect record pertaining to the daycare. It is unnecessary and burdensome. Sentences 1, 3 and 4 (italicized above) should be removed. There is no safety reason for this requirement. All enrolled children have the signed paperwork anyway. Keeping such paperwork for non-enrolled children for an arbitrary period of 3 months "as proof of providing the information" serves no purpose and wastes paper and space. As proof for OCCL? Why would providers need to do this?

**Agency Response:** The agency appreciates and acknowledges this comment. The Parents Right to Know Act, 31 Delaware Code, Section 398, requires that prospective purchasers of care be given this information. Since no time frame was included in this section of the Delaware Code, the previous regulations required centers to keep the signed form indefinitely. Realizing that keeping this paperwork indefinitely could be perceived as burdensome, centers are now required to keep this form for only three months to ensure compliance with the law. The regulation will remain as written.

18.1- This section has been expanded needlessly. This added verbiage causes extra paperwork, extends needless regulatory language, something OCCL has been charged to reduce, and is not going to save any children. The extra language could possibly be placed in the guidebook to help new providers.

**Agency Response:** The agency appreciates and acknowledges this comment. Having procedures to follow documenting that the release of a child from the responsibility of center staff shall only be to a person authorized by the parent/guardian ensures children's safety by releasing them to the proper people. The regulation will remain as written.

19.0 Remove last sentence. "This file shall be maintained on site for at least 3 months after disenrollment." There is no reason for this. It does not increase safety, and although it can be considered good business practice that is not the purview of the OCCL.

**Agency Response:** The agency appreciates and acknowledges this comment. OCCL receives many complaints voiced by parents after leaving a center. By keeping the file for at least three months, the agency is able to conduct proper investigations to show that the center was or was not compliant with regulations. Also this regulation now provides clear guidance as to how long a child's file must be kept. The agency will revise this regulation to read "This file shall be available upon request for at least three months after disenrollment and shall include the following:"

19.8 "...hours/days child is scheduled..." Again, an expansion which is unnecessary and another example of OCCL doing the opposite of what they have been charged to do. Again, if a part-time child comes an extra day, is the center out of compliance?

**Agency Response:** The agency appreciates and acknowledges this comment. The hours a child is scheduled to attend was a part of the previous regulations. The days were added so that a center can ensure enough staff are scheduled for the children who will be in the center on any given day. If a child comes an additional day (as mentioned in the comment), the center will not be out of compliance unless there are not enough staff present. The regulation will remain as written.

20.1 Remove "maintained onsite for at least 3 months after employment/association terminates". Although it can be considered good business practice that is not the purview of the OCCL.

**Agency Response:** The agency appreciates and acknowledges this comment. OCCL receives many complaints voiced by parents after leaving a center. By keeping the file for at least three months, the agency is able to conduct proper investigations to determine that staff were finger printed, given an orientation with the required components, etc. Also, this regulation now provides clear guidance as to how long a personnel file must be kept. Regulation 20.0 will be revised to read "This file shall be available upon request for at least three months after employment/association ends."

20.4 Requests and follow up requests for Service letters have arguable usefulness. PAB feels that this is an onerous regulation and would like exemption after the initial request. Wording was actually added in this newest draft.

**Agency Response:** The agency appreciates and acknowledges this comment. Service letters are required per 19 Delaware Code, Section 708 to ensure employers are not hiring individuals with a past history of violent behavior, or who have engaged in abuse or neglect of adults and children who are dependent on their care. Due to the significance of the Service Letters for the protection of children in care, the agency added wording to ensure the center follows-up after making the initial "good faith effort" to obtain them. Centers will not be cited for non-compliance for failure to obtain required service letters when "good faith efforts" to obtain such letters is documented and additional references are present. The regulation will remain as written.

20.5 Professional development plans have been another source of disagreement between providers and OCCL, especially for the start of employment. PAB feels this should be a relicensing requirement only and the Professional Development form should be revamped to make it more relevant for the needs of providers, not OCCL. The Professional Development Plan should be a tool for administrators to work with their staff for the betterment of the center and to raise the educational standards of their staff. The usefulness has completely flip-flopped into a compliance tool for the state.(20.12)20.1.11 Remove regulation. This is unnecessary and onerous regulation. This has no place in our regulations.

**Agency Response:** The agency appreciates and acknowledges this comment. Among others, this agency has worked to have child care regarded as a profession. Thoughtful planning and purposeful selection of professional development training assists staff to identify the areas where they would like to strengthen their skills and how they wish to advance their career. OCCL is in agreement a meaningful professional development plan is one often created with the center administrator that includes the needs of the staff member and the needs of the center. Research has shown that staff education is a primary factor in determining the quality of care children receive. This regulation now allows a three month period at the start of employment to create a plan which allows the center administrator to assess the employee's strengths and areas that would benefit from additional training in regard to the individual's needs and the needs of the center. The previous regulations required a complete staff file without a specific time frame mentioned. To better meet the specific needs of the individual and the center, the professional development plan no longer has specific requirements other than to list a staff's professional development goals for the upcoming year. Each center can choose a format and other information to be included. The regulation will remain as written.

20.12 "DOCUMENTATION acknowledging that the use of alcohol or a drug could adversely ...job functions...distribution...is prohibited in the work place." Why? If there are people working in daycare who believe it's okay to drink on the job, the problem is larger than this regulation could address.

**Agency Response:** The agency appreciates and acknowledges this comment. OCCL has received complaints alleging alcohol or drug use by staff. This regulation documents the prohibition of these substances in the work place from the beginning of employment.

20.15 Safe Sleep procedures as addressed by OCCL are cultural, and therefore problematic for state requirements. Furthermore requiring review yearly is onerous.

**Agency Response:** The agency appreciates and acknowledges this comment. The American Academy of Pediatrics (AAP) recommends safe sleep practices to reduce the risk of sudden infant death syndrome (SIDS) or suffocation deaths and other infant deaths that could occur while an infant is in a crib. Since infants are the most vulnerable human beings, the agency has adopted these standards. Yearly review of safe sleep practices reminds staff how to practice safe sleep as well as the importance. The Child Death, Near Death and Stillborn Commission (CDNDSC) reviewed 128 unsafe sleep deaths from 2003 to 2012 and found that "78% were not in a crib or bassinette, 63% were sleeping with other people, 43% were not sleeping on their back, 25% were found with unsafe bedding or toys in the sleep environment, 24% were sleeping with an obese adult, 5% had an adult with alcohol impairment, and 7% had an adult with a drug impairment." This regulation will remain as written.

20.17 Record of annual training hours- These are recorded on the current Professional Development form, and addressed in 20.5.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation is included in 20.17 and further explained in 20.5 because 20.0 lists in one location all of the items that are required in a personnel file The regulation will remain as written.

21.0 Personnel Policies Wording was actually added in this newest draft. This added "regulation" is unnecessary and should not be included in regulations. All businesses must comply with state and federal employment law. Therefore this is not the purview of OCCL. The wording that "personnel policies and practices .....must be available...on request by prospective staff" is actually nonsensical. Who are these prospective staff?

**Agency Response:** The agency appreciates and acknowledges this comment. Requiring a center to have and follow personnel policies and practices helps ensure an organized approach to managing a center. Making these policies and practices available (even to prospective staff upon request), allows current and prospective staff to understand the center's expectations and helps potential staff to make informed decisions about where they are choosing to work. The regulation will remain as written.

22.2- This is added in the newest draft also. And it is insulting.

**Agency Response:** The agency appreciates and acknowledges this comment. The previous regulations only required a licensee to inform staff that drugs/alcohol were unacceptable and prohibited. This revised regulation requires licensees to protect children by ensuring staff are not using drugs or alcohol and that staff are informed of this prohibition. The regulation will remain as written.

24.2.1 "The license shall ensure that children are not abused or neglected." Really?

**Agency Response:** The agency appreciates and acknowledges this comment. The previous regulations grouped improper discipline with abuse. To emphasize its importance and provide clarity, the prohibition of abuse and neglect was placed in a separate regulation. The regulation will remain as written.

Abuse and neglect required a new regulation. The regulation will remain as written.

25.1 This regulation involves staff orientation in which administrators explain center policies. The items in this section have been greatly expanded from the last drafts and the current regulations- "abusive head trauma...storage of hazardous material...disposal of bio-contaminants". This is unnecessary, burdensome regulation.

**Agency Response:** The agency appreciates and acknowledges this comment. The federal government under the Child Care Development Fund Block Grant is requiring these added topics in order for the state to continue to obtain this federal grant which includes funds to subsidize the cost of child care for eligible families. Since many families receive subsidized care, this regulation was changed to comply with these upcoming federal mandates. The regulation will remain as written.

26.1.4 and 5 Remove regulations. They have been addressed above.

**Agency Response:** The agency appreciates and acknowledges this comment. Regulation 26 includes all of the requirements for a center owner. These items are placed in one location for ease of use by the child care community. The regulation will remain as written.

27.3 This entire section is EXTREMELY onerous. It places a huge burden on the licensee when it requires that all new employees have documentation to Delaware First within 30 days of employment of their qualifications. State licensing officials should understand that employees DO NOT have the burden for this- employers do. All that can happen to an employee is that they can be fired. PAB asserts that submitting it to OCCL within any time frame other than relicensing is onerous. It is almost impossible for many providers to compile this information within 30 days or even 60 days. Large centers hire 5-10 staff at a time during certain periods; small centers may have just one administrator. OCCL has added intern/aide designations, but when they add this regulation, it effectively makes the new training requirements superfluous. Is OCCL now going to contact the centers every time a new employee is fingerprinted requiring the employee's documentation? This doesn't even seem practical for OCCL!

**Agency Response:** The agency appreciates and acknowledges this comment. The previous regulations did not include any timeframe to obtain a Delaware First Qualifications certificate. This regulation clearly states the requirements for staff without a qualifications certificate; however many child care staff already have documentation of their qualifications. While it is the individual's responsibility to obtain their qualifications certificate, a center administrator may choose to submit the information to OCCL's designee, Delaware First, for the individual. In monitoring, OCCL will confirm that the appropriate qualifications certificate is in an individual's personnel file or qualification materials have been submitted to Delaware First within thirty days of hire for those without prior certification. No qualifications certificate is required for those individuals filling the role of aide. The agency will not contact a center every time someone is hired. The agency will revise the regulation to include a 60 day time frame.

27.3.1 This section is, again, added, and while PAB has no problems with adding supervised experience there seems to be some excess requirements here for certification for assistant teacher- To participate in the supervised experience process for the applicable positions contained in these regulations, a staff member must demonstrate ... the ability to create, select, present, and evaluate developmentally appropriate lessons, activities, and curriculum for individual children as well as for small and, where appropriate, whole groups of children. ...

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation was created to reduce the time required for a staff member to be qualified to be left alone with children. Because an assistant teacher may function as the only teacher in a classroom, supervised experience for an assistant teacher is the same as that for a teacher. This regulation will remain as written.

27.3.2 The section is improved but still problematic. An exaggeration on hours is quite different than falsifying certification and should be considered separately. This section still needs to be revised. The sanction against staff should be trimmed to 6 mos and assurances of no citation for providers.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency does not believe there is a difference in the types of false information that can be submitted without negative consequences. The agency believes that a one year sanction is an appropriate amount of time. If a licensee knowingly uses or submits false documents, they will be

cited. Unfortunately, OCCL has had false documents submitted by individual staff as well as administrators. The regulation will remain as written.

27.3.4 Regionally accredited high school diplomas needs to be defined. Many providers employ persons of foreign status. Does this preclude them? This section needs to be revised. Who is paying for this? Isn't this reducing EOE statutes? How do we do this?

**Agency Response:** The agency appreciates and acknowledges this comment. Regionally accredited high schools are listed with Delaware First. Staff who have foreign credentials must pay to have their information translated. The regulation will remain as written.

27.4 Early childhood administrator. It is unclear why 5 college courses in early childhood would be required of an administrator who employs a curriculum coordinator.

**Agency Response:** The agency appreciates and acknowledges this comment. The early childhood administrator is responsible for running the center and should have education to support the staff in best practices, appropriate activities, child development, etc. Not all curriculum coordinators function in this capacity on a full-time basis. The regulation will remain as written.

28.4.1 This appears to be a new addition to this newest draft. The regulation requires that "documented training in the day to day operations" be required of a staff member when the Administrator is not present. The PAB is not sure what that entails and would need to see details in order to okay this reg. The added language is not acceptable when it states this teacher must have "access to staff files". This would never be allowed in a center. An administrator would never be able to leave if she had to leave staff files accessible. It just cannot happen.

**Agency Response:** The agency appreciates and acknowledges this comment. The regulation includes the following information: "such as the center's emergency procedures, opening/closing procedures, location of and access to child and staff files, and supervision of children and staff." This specifically spells out what "day to day operations" are. Access to staff files with contents as described in these regulations is necessary in case of unannounced center visits by the agency. The center may choose to have additional staff files that are not available to the designated staff person or to OCCL staff that might contain other information acquired by the center, such as staff contracts and salary that are not required by this agency. The regulation will remain as written.

30.1 School age ratios. This has changed from the last draft. PAB requests a 1:20 ratio. OCCL has added specific language that \*A Licensee may apply for a variance from the minimum staff/child ratio to a staff/child ratio of 1:20 when a currently certified State of Delaware teacher is teaching school-age children in his/her area of certification. The Licensee must have and follow a plan to comply with the staff/child ratio of 1:15 when a certified teacher as described above is not present (such as during planned or unplanned absences, before and after care, etc.). A copy of the teacher's current certification and the Licensee's plan for teacher absence must be submitted to OCCL with the Variance Request form. No variance from the maximize group size of 30 will be granted. This is not acceptable to PAB. Certified teachers should be allowed the state ratios in public schools, so 1:20 is NOT acceptable. Further, PAB is confident that Delaware certified "people" (teachers with 2 or more years of experience in daycare) can handle 20 children in an afterschool non academic group.

**Agency Response:** The agency appreciates and acknowledges this comment. Caring for Our Children recommends the ratio for staff-to-school-age children be 1:12. These regulations already exceed this national recommendation. The agency created the 1:20 ratio to allow centers employing a certified teacher to be able to educate and care for more children. These regulations differ from public school regulations, but are appropriate to protect the health and safety of the young children served and the less strenuous educational qualifications of staff, including administrators

30.6 This regulation has been changed in the newest draft but is still restrictive in smaller centers. PAB feels that strict ratios, not absolute numbers, are more important in child safety. This still needs clarification and flexibility.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation was created to permit the mixing of children from different age groups when the center opens and closes so that classrooms of mixed-aged children could to be combined when fewer than 12 children are present or during certain hours of the center's operation. This agency will revise this regulation to include a 90 minute period in the morning and evening to allow for the mixing of age groups.

31.4.2 states outside contractors do not need a complete staff file. This is a needless regulation. Of course not. They are not employees.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation was added to provide clarification for finger printing and staff file requirements for contracted staff. The agency has received many questions regarding this topic from the child care community. The regulation will remain as written.

33.0 This concerns details of the Professional Development Plan, which PAB has discussed above.

**Agency Response:** The agency appreciates and acknowledges this comment. See response above. The regulation will remain as written.

(35.0) PAB respectfully disagrees with the following: "A Licensee shall and follow have an organized system of respectful communication with parent(s)/guardian(s)..." As business owners successful providers do not need to be regulated into respecting their paying clients.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency receives complaints

regarding the treatment of parents. This regulation requires respectful communication which is a baseline requirement. The regulation will remain as written.

35.2 The additional language added into the new draft is already part of state code under nondiscrimination language.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation is included so that the child care community can easily be aware of this law that is pertinent to operating a child care center. The regulation will remain as written.

35.5 Delete. People are not required to enroll their children if they are refused this information, and unless the state decides to require the divulging of "Anonymous Corporate Owners" in all other Delaware businesses daycare owners should not be under more scrutiny than other corporations. This is not the purview of OCCL.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise 35.5 to read "Upon request, a procedure for informing the parent/guardian of the identities of the governing body members and owners, as applicable;"

35.15 PAB does not understand the following exclusion. Parents do not understand this either and it seems that all of a sudden OCCL is worried that providers have been allowing OCCL staff to view HIPPA information as regular inspection practices. PAB agrees that this is a problem, but this regulation doesn't overrule parental and child privacy rights:

"Procedures stating that written permission from parents/guardians is required prior to disclosing or using any child's written, electronic, or digital information except in the performance of official duties by employees or representatives of the Office of Child Care Licensing or other entities with statutory responsibilities for issues relating to the health, safety, and well-being of children."

**Agency Response:** The agency appreciates and acknowledges this comment. Regulation 35.14, not 35.15, refers not only to health information but also to pictures of children used in marketing the center. The agency has received complaints from families regarding the unauthorized use of their child's picture in advertising, posted on the center website, etc. During the complaint investigation, some center administrators responded that they did not know this practice was prohibited. This regulation provides clarity and protects families' right to privacy. This regulation will remain as written.

35.1.16 This is another added regulation, which OCCL has been charged with reducing, not expanding. This is not in our current regulations, and is again just added paperwork. A Licensee shall ensure that staff create and utilize a written transition plan when admitting a child new to the Center or when moving a child permanently from a particular group or room. Parents shall be informed in advance of any permanent change in the placement of their child.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation (35.15) was expanded to protect a child's well-being during a potentially stressful transition and to insure that families are informed prior to a permanent change in their child's placement, which, based on complaints received by the agency, does not always happen. While written transition plans are required when admitting a child to the center or moving an individual child permanently to another room, depending on the needs of the center, the center may choose to create a generalized written transition plan used for **all** new or transitioning children or may create individual plans for each designated child. This regulation seeks to ensure children moving to a new classroom are introduced to the new environment in a planned manner. The regulation will remain as written.

36.13 This regulation prohibits portable wading pools. This is an onerous restriction for summertime in Delaware, and is unnecessary for child safety. Instead, PAB advises an age restriction or a stricter ratio when using such pools. PAB cannot understand the inclusion of this reg. It really affects practice.

**Agency Response:** The agency appreciates and acknowledges these comments. Caring for Our Children states "Small portable wading pools shall not be permitted because they do not permit adequate control of sanitation and safety and provide a superior means of transmission of infectious diseases, including e coli often found in stool. Wading pools can easily become contaminated. Infection with e coli is a primary cause of the most common cause of kidney failure in children in the U.S. and is fatal in 5% of cases." The Delaware Department of Public Health states that if a pool is used in a child care facility, it would need to be in compliance with pool regulations and a portable wading pool would not qualify under these regulations. Soaker hoses, sprinklers, and other similar devices can provide opportunities for water play. The regulation will remain as written.

39.0 This regulation is repeated under 59.3.

**Agency Response:** The agency appreciates and acknowledges this comment. Regulation 39.0 lists the requirements for the separate area where sick children requiring exclusion can be cared for as well as the requirements for meeting their needs while waiting for the family to pick-up the child. Regulation 59.3 does not list these requirements. The regulation will remain as written.

41.0 Riding toys. This regulation doesn't allow for riding toys without helmets on indoor surfaces with rugs. This is an onerous regulation.

**Agency Response:** The agency appreciates and acknowledges this comment. Riding toys are permitted to be used without helmets if they are not bicycles and if they do not have wheels that are 20 or more inches in diameter. This applies to both indoor and outdoor spaces. The regulation will remain as written.

42.0 Sleeping- these regulations have become more restrictive and PAB supports the language in the current regulations.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation places the safe sleep practices as well as the sleep equipment in one section, whereas the previous rules listed them in different places.

Swaddling was included as well as information on sleep positioning devices to provide clarification as well as to protect children's safety. The regulation will remain as written.

42.4.2 Prohibition on mobiles is onerous. This change is better but PAB does not feel it is sufficient. Parents WANT and bring in mobiles and music boxes for their children.

**Agency Response:** The agency appreciates and acknowledges this comment. Caring for Our Children states, "Toys, including mobiles and other types of play equipment that are designed to be attached to any part of the crib should be kept away from sleeping infants and out of safe sleep environments." Mobiles can be hung in other locations. The regulation will remain as written.

42.6 Since this a cultural requirement and statistics in other countries for SIDS are not born out, the requirement for health providers to "stipulate the specific sleeping position in which that infant may be placed" is onerous. Documentation from a health provider should suffice.

**Agency Response:** The agency appreciates and acknowledges this comment. Regulation 42.5, not 42.6, requires the health care provider to stipulate the sleeping position to ensure the device is used as prescribed. This is important to protect the child's health and safety. The regulation will remain as written. See above response citation from the Child Death, Near Death and Stillborn Commission (CDNDSC) contained in the response to regulation 20.15.

43.1 PAB is not sure what "enclosed" toilet rooms are in toddler areas.

**Agency Response:** The agency appreciates and acknowledges this comment. An enclosed toilet room is a room with walls and a door as opposed to an open area in a classroom or hallway. The regulation will remain as written.

47.4.3 While it is understandable that OCCL wants clean and disinfected surfaces for changing diapers, the practicality of this regulation has always been problematic. It is already required that the changing table be covered with a disposable cover for each change. Once that cover is removed regulations state that the changing table then be washed, then disinfected, before another child is changed. There are often 8-12 children using this changing table, but there are no specifications for drying the table. OCCL needs to explain in this regulation what the next step is after disinfecting (wiping dry?) realizing that time is an important practical consideration.

**Agency Response:** The agency appreciates and acknowledges this comment. The drying time for disinfecting the changing surface varies depending on the type of disinfectant that is being used. Using a bleach and water solution as a disinfectant works the fastest. The center can use a paper towel to dry the diaper changing area after allowing the disinfectant to work for the time listed on the manufacturer's instructions. The regulation will remain as written.

48.6 Although the wording has been changed somewhat from the last draft, PAB is still concerned about wording. This regulation does not stipulate food from home or food provided specifically by the center and therefore "labeled with contents" is confusing. Food regulations are addressed later (63.0). In this section there are several problematic phrases- "clean", "free from spoilage and adulteration", "safe for human consumption." All these are covered by not only state and federal law and therefore unnecessary, but are insulting in a childcare regulation manual. Centers serving foods not "safe for human consumption" have problems much larger than this regulation covers.

**Agency Response:** The agency appreciates and acknowledges this comment. The regulation refers to food that the center provides. The agency will revise the regulation to read "A licensee shall ensure that all food provided and prepared by the center and then served to children complies with the center's written policy on nutritional quality, is clean, wholesome, free from spoilage and contamination, correctly labeled with contents and date of preparation, and safe for human consumption."

49.2.3 Adds "Exits Used" to the requirements on fire drill documentation. This is unnecessary, and was considered apparently before consulting the state Fire Marshall, who disagrees with the added documentation.

**Agency Response:** The agency appreciates and acknowledges this comment. The previous regulations require centers to vary the exit used when practicing drills. By adding this additional wording, the agency can ensure various exits are being used so children and staff practice evacuating the building using more than one exit. The State Fire Marshal was contacted and he does not disagree with the changes. The regulation will remain as written.

52.2 OCCL has added the language "and local" to fire department number of 911. Is this really necessary? We are trying to reduce extra language, not increase it in regulations.

**Agency Response:** The agency appreciates and acknowledges this comment. The words "and local" will be deleted from the regulation.

54 Field Trips-These regulations are quite different from the current regs which PAB feels are sufficient, but are also actually more specific, making it easier for providers to comply. PAB doesn't feel the safety of children has been compromised with the current rules. The ratios have been changed since the last draft and made more reasonable which PAB appreciates.

**Agency Response:** The agency appreciates and acknowledges this comment.

57.1.3 A chart documenting required immunizations would be helpful.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will not monitor the specific immunization status of individual children but will monitor that a health appraisal includes a listing of the child's immunizations or that the child's file contains the required documentation regarding the lack of immunizations. This agency recommends contacting the Delaware Department of Health if specific immunization requirements for children or an immunization chart are desired.

57.3 This section makes it appear that licensees must enroll children whose parents refuse to immunize them (for whatever reason). Either a rewriting of the section with clarification or a statement delineating the licensee's right to refuse care is in order.

**Agency Response:** The agency appreciates and acknowledges this comment. Centers are not required to enroll a child without immunizations. If a center enrolls a child without immunizations, the center must obtain a notarized statement as described in this regulation. The regulation will remain as written.

58.0 This has been lengthened from the old rule. It should remain the same. Also the term "trained in recognizing signs of common ...ill health" means little. Trained how? Should be changed to completed state approved First Aid course. Providers are not nurses and any teacher in a classroom, both head and assistants, admits children.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise 58.0 to read "by a staff member trained in recognizing common signs of communicable disease, physical injury, other evidence of ill health as listed in Section 59, ..." Every staff member who signs the required orientation form affirms that they have received training in identifying these concerns. Staff can be trained by the owner, administrator, curriculum coordinator, etc. so that the staff member is familiar with the required health exclusions as stated in the regulations, or by taking a more formalized training.

59.4 This regulation implies that we accept the word of health care providers. No, Providers (business owners) have the right to decide when a child is well enough to be in their building. Simply unacceptable.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise 59.4 to read, "A licensee may permit a child to return to the center when the symptoms are no longer present, written documentation from the child's health care provider indicates the child has been diagnosed and the illness or symptoms poses no serious health risk to the child or to other children, or the child does not present symptoms for exclusion as contained in the center's written health exclusion policy."

61.0 Child Accident and Injury- this entire section is troubling for PAB. It includes specific procedures for notification and PAB believes it puts providers on shaky legal ground. Providers do the very best they can to care for children in their care. They are not medical professionals and as such should not be held to such a high level of responsibility.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency receives numerous complaints from parents stating they were not made aware of accidents/injuries that occurred to their child while in the center's care or that they were informed days later. Current regulations do not contain a timeframe for notification of parents/guardians. This regulation now requires specific time frames for notification dependent on the seriousness of the injury. The regulation will remain as written.

61.1.2 This regulation requires a parent signature on every injury report which then must be maintained in a log. This is impractical as multiple copies of reports must be made and the signature cannot be obtained until pick up time, meaning parents would have to sign the report then wait until someone makes copies. This just isn't always possible and also will end up inevitably violating HIPPA rules.

**Agency Response:** The agency appreciates and acknowledges this comment. HIPAA does not apply to accident/injury reports in non-healthcare facilities. Parents need to be informed of accidents and injuries to their child. When a parent signature is on a form that the center maintains, the center is protected when parents from parents claiming they were not informed of the injury/accident. This regulation protects providers during complaint investigations as it prevents parents from claiming they didn't receive a report if their signature appears and from centers claiming a report was given and not having any documentation to prove it. The regulation will remain as written.

61.1.3 This is new. Now providers must document **when** they have tried to inform a parent. This may be good business practice but is not the purview of OCCL.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency has received numerous complaints from parents alleging that the center failed to notify parents of accidents/injuries while the center contends that they attempted to notify the parent but was unable to do so. Documenting unsuccessful attempts to notify parents provides documentation during a complaint investigation that the center attempted to contact the parent but was unsuccessful. The regulation will be revised to read "The licensee shall maintain a written record for serious injuries of when the parent/guardian was notified or of attempts to notify the parent/guardian."

Section 63- Food , Water and Nutrition- The PAB requests that this section be divided in half, one for centers which serve meals, and one in which parents provide meals. The listings are confusing and it is not easy to delineate which rules pertain to each. For centers which serve only snacks to the children this is excessive. For centers which have a meal program, they are regulated by other agencies. Therefore OCCL's lengthy policies seem excessive for both groups.

This section has been changed again since the last draft. Every draft brings Food and Nutrition rules which are completely different and therefore difficult to sift through. PAB has had difficulty transferring old numbers to the new numbers.

Continuous use of the phrase "provided and served" is troublesome. Does that include food from home??

**Agency Response:** The agency appreciates and acknowledges this comment. This section of the regulations was divided into these categories based on the comments previously submitted by PAB on the December 2014 proposed regulations. Regulation 63.7.4 requires a description of which food services will be provided by the licensee or by the parent/guardian and regulation 63.7.4.1 and its subsections pertain only to meals and snacks provided by the center. These regulations will remain as written.

63.7 This regulation has been greatly lengthened from the last draft and PAB has had no explanation for the reason for this. It is filled with newly required policies, procedures, assurances, and statements. It would greatly lengthen the parent handbooks which already have food policies required, and for no reason that would change care. There are 8-10 new statements about food. "Times of snack"- too restrictive. OCCL already requires snacks and meals within certain hours. Would we be out of compliance then if we serve snack a half hour later? PAB feels that this regulation is burdensome and not in compliance with the charge that OCCL reduce regulations on our businesses. The terms "procedures" and "statements" are used throughout this section, but are not defined. PAB questions the use of these terms for each regulation.

**Agency Response:** The agency appreciates and acknowledges these comments. This regulation was divided into categories per PAB's request. A parent needs to know the center's times of meals and snacks so that they are aware that a late arriving child will or will not be fed. Conversely, a center is not required to provide meals and snacks at all times during the day, but according to regulation requirements and their own policy. The statements and procedures ensure children receive appropriately times meals and snacks with required components (if provided by the center) and clearly explain the center's policies on nutrition. The agency will revise 63.7.2 to read "Approximate times of snacks and meals."

63.7.4.2.2- Remove- "must be clean and safe". Please don't insult us.

**Agency Response:** The agency appreciates and acknowledges this comment. In order to protect the health and safety of children, food served must be clean and safe. This regulation is not intended to be insulting but to protect the well-being of children. The regulation will remain as written.

63.2.3 Remove. This regulation is already addressed in the CACFP requirements for food.

**Agency Response:** The agency appreciates and acknowledges this comment. There is no regulation 63.2.3.

63.8.5.1 This has been lengthened from the old rule. It should remain the same. This is a burden.

"Menus noting actual food served being retained by the center for 30 days. Changes made in actual food served on a particular date shall be documented on or before that date."

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation was lengthened to ensure centers are documenting what was served on a particular day. The agency receives many complaints regarding children not being fed all required meal components. This helps to ensure children are being fed the required meal components each day while providing the flexibility to change published menus. The regulation will remain as written.

63.5 This is changed since the last draft. It is better but- This is not currently a regulation, and while it is laudable, should not be added to regs. It is a burden to staff which then is a burden to administrators. Many of our staff are below the poverty line. This requirement would in effect force administrators to provide food to staff even when they do not provide it to children. How do we actually go about "encouraging" adults?

**Agency Response:** The agency appreciates and acknowledges this comment. Staff are role models and have great influence on children, including the foods children eat. This regulation applies to when staff are eating with children and there is no implied requirement that staff meals components are restricted or required. The regulation will remain as written.

63.8.2.1 Concerns 1% or nonfat milk served to children over age two. Nonfat milk should not be recommended to children age 2-5. Children need fat in order to develop healthy brains. Surely OCCL knows this!

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise regulation 63.8.2.1 to include 2% milk.

63.9 This does not specify whether food from home or provided by center. This seems to imply that if a child has a gluten allergy so the snacks served in that room are all gluten free then there must be a note from the health care provider. This is a burden for parents. Parents should not be required by the state to order a doctor's note. They certainly can do this on their own if desired.

**Agency Response:** The agency appreciates and acknowledges this comment. 63.9 will be revised to read "A licensee shall ensure that special, therapeutic diets are prepared and served by center staff..." This regulation ensures children are receiving proper nutrition when fed by the center. The regulation will remain as written.

63.12 does not specify whether food from home or provided by center. The state (OCCL) does not dictate food from home.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise 63.12 to read "For foods prepared and served by the center, a licensee shall provide for the introduction of a variety of food textures, finger foods, and a cup and utensils as appropriate in the training of self-feeding and nutrition education."

64.1.1 On requiring a health provider to okay anything other than formula and water in a bottle. Why would parents not be able to make this decision on their own as long as they inform the provider? PAB objects to OCCL requiring parents to obtain written documentation from a health care provider for any and every modification. Of course, centers may choose to do this on their own.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation requires parents to obtain a note because mixing formula without medical consultation (or other than as indicated on the label) may result in an infant being overfed, choking, or tooth decay. Infants instinctually know how much breast milk or formula to drink based on volume, not calories. While it is difficult to overfeed an infant, this applies to breast milk or formula. In addition, inattention to an infant's true hunger cues has been associated with infant overfeeding. Placing cereal in the bottle can cause infants to receive too many calories for their need, placing them at risk for overweight and obesity. An infant's digestive system is not well prepared to process cereal until 4 to 6 months old, at which point they are old enough to eat from a spoon. Offering

cereal before an infant is developmentally ready increases the likelihood of gagging or inhaling the thickened mixture into their lungs. Nursing bottle cavities have long been recognized as a consequence of feeding juice in bottles, using the bottle as a pacifier, and prolonged bottle feeding. Avoiding the number of times parents give their children sugary substances, especially at the youngest ages, will assist in the prevention of tooth decay. The regulation will remain as written.

64.2 This is not currently in our regs and should not be added. Again, this is insulting to staff, and again, requirements of a written note from health provider is unjustified:

"A licensee shall practice paced bottle feeding...stop when full unless written documentation from an infant's health provider is supplied."

**Agency Response:** The agency appreciates and acknowledges this comment. The regulation was added to ensure infants are allowed to determine when they are no longer hungry and would like to end a feeding. Unless otherwise recommended by a health care professional, this regulation helps allow an infant to determine when he/she is full, rather than staff requiring an infant to consume the entire contents of a bottle. The regulation was added to ensure infants are being fed properly. This regulation helps staff know that they are not to keep feeding when an infant is full unless a doctor's note says otherwise. The agency will revise 64.2 to read "...and shall be allowed to stop a feeding when full unless written documentation from an infant's health care provider requires the feeding to continue;"

64.3 This is not currently in our regs and should not be added. This is unnecessary. It is already a requirement that centers cannot provide food to infants unless parents approve.

**Agency Response:** The agency appreciates and acknowledges this comment. Caring for Our Children states infants exclusively receiving breast milk shall not be given formula. This regulation prohibits staff from providing formula supplements to a breastfed infant without parental consent. The regulation will remain as written.

64.3.3 Last sentence is not currently in our regs and should not be added. We are not James Bond. (Sorry, could not resist.) The science of this regulation is highly suspect. Without documented peer reviewed studies justifying this regulation it should be immediately removed. If left in it will be challenged and likened to the Autism-immunization scare link:

"Bottles of breast milk shall be gently swirled to mix contents, and shall never be shaken."

**Agency Response:** The agency appreciates and acknowledges this comment. The agency will revise 64.3.3 by removing "and shall never be shaken."

64.3.4 Again, written documentation from health care provider should not include breast fed babies at least. This also does not specify length of time infant is in care per day.

"..semi-solid foods shall be required..."

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation ensures infants are receiving proper nutrition based on generalized feeding standards but allows individualized feeding plans when recommended by a health care provider. Regulation 64.1 states "that foods and beverages provided to an infant are served on demand or during a span of time consistent with the infant's eating habits...." Therefore the length of time the infant is in care is not relevant. The regulation will remain as written.

64.3.5 Second sentence is unnecessary. It has already been stated that only foods of which parents approve can be served to infants.

64.3.5 Second sentence is unnecessary. It has already been stated that only foods of which parents approve can be served to infants.

**Agency Response:** The agency appreciates and acknowledges this comment. The only regulation 64.3.5 requires obtaining parent permission for introduction of new foods. The regulation will remain as written.

64.3.13 Remove first sentence. It is insulting:

Breast milk shall be served only to that mother's own infant."

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation is not new. There are serious health concerns if a child is given breast milk intended for different child. The regulation will remain as written.

64.3.14 Remove. It has already been stated that only foods of which parents approve can be served to infants.

**Agency Response:** The agency appreciates and acknowledges this comment. Because of the concern regarding issues of tooth decay, this regulation requires juice served to infants be placed in a cup, not a bottle, unless otherwise requested by a parent. The regulation will remain as written.

65.4 and 65.4 This language is better than the last draft but: Regulations on "Time outs" is too specific. While PAB members have no objections to the philosophy behind this, we also feel that these regs are restrictive and may not work in every situation. If a teacher calls a child back into group but does not discuss "in a way that encourages the child to make more positive decisions in the future" are they out of compliance?

**Agency Response:** The agency appreciates and acknowledges these comments. Use of "time out" is not required; a center may choose a different technique for behavior management. Per PAB's previous request, the regulation was previously revised to allow the teacher to talk to a child at a more appropriate time rather than before returning to the group. The regulation will remain as written. The regulation will remain as written.

66.0 Program Goals-This draft is better than the last draft but: The PAB is concerned with the use of the word "Goals". We feel that it is often interpreted in a number of different ways and should be defined in the Definitions section to avoid confusion. In PAB each member defined Goals quite differently and feel that statewide this has the potential to cause wide spread confusion. Furthermore, PAB feels that current state policy is "to ensure that children are kindergarten ready", a

goal not all are in agreement with as a blanket statement, but if that is indeed the "Goal" then let's be upfront about it so that we can have that discussion.

**Agency Response:** The agency appreciates and acknowledges this comment. The agency appreciates and acknowledges this comment. While there are required domain components and a requirement that goals be "appropriate to the ages and developmental levels of children...", the center shall develop its own goals for "what the center [emphasis added] plans to accomplish with children," not this agency. Each center can create their own goals for their enrolled children. The regulation will remain as written.

66.3 PAB finds all of section 66.3 problematic. The PAB feels that individual centers' mission and philosophy dictate whether a written lesson plan should even be required, but PAB is willing to concede a basic plan. The following sentence is not currently in our regs and should not be added.

"Changes made in the actual lesson plan for a particular date shall be documented on the posted lesson plan on or before that date." Having to update any changes on that plan "before or on that date" is a burden and completely unnecessary, and also completely against the personal philosophies of many early childhood (and even K-12) educators. Furthermore, the requirements delineated in this section for what is required in these lesson plans is burdensome and against mission statements of many early childhood providers.

**Agency Response:** The agency appreciates and acknowledges these comments. The agency will revise 66.3.1 by removing the second sentence of this regulation.

66.3.4 in this section regarding adaptations is acceptable.

**Agency Response:** The agency appreciates this comment.

While laudable, 66.3.2, 66.3.3, 66.3.5 restrict administrators from having centers which may reflect alternative philosophies, and PAB does not believe in doing so. There are laudable, even exemplary Early Childhood and elementary schools that could not exist in our state under these rules.

66.6, 66.7 PAB feels that the wording and placement of the phrase "such as" further restricts rather than expands the ability of centers to apply alternative methods of teaching in their centers. "Identifiable activity areas" should be eliminated. Use of the word "orderly" will be problematic for Licensing Specialists. While PAB feels that children should have a variety of activities and experiences, they cannot and should not be defined by OCCL. Particularly problematic is the chart of daily and weekly activities. These are just nonsensical both as far as break down and delineation. As an example, some weeks a cooking activity is appropriate each day and others not at all. As far as an activity for "Healthy Habits" that is something that should come up every day, and indeed every time we set down fruit in front of a child and therefore should not be required to set down on a lesson plan but is part of the natural rhythm of care. When OCCL requires these types of "activities" to be recorded on the lesson plans which teachers create each week, the plans become just so unwieldy that their usefulness is diminished or they become just something to hang on the wall but are not utilized in a way that truly benefits children.

Members of the PAB each had different ways of rearranging this section and could not come up with an acceptable statement. Therefore PAB feels the regulation should be moved to the guidebook and not be part of the regulation book. PAB looks forward to helping OCCL put this book together.

**Agency Response:** The agency appreciates and acknowledges these comments. In order to protect the well-being of children, the agency is requiring lesson plans to ensure children are actively engaged in a structured program that helps them to develop in a positive manner. These regulations require purposeful planning for children. The use of the term "such as" in Regulation 66 is to provide examples of possible types of materials/activities that could meet the regulation, but is not intended as a listing of required materials/activities. These regulations will remain as written.

67.2 While PAB is not opposed to individual plans for children it does feel that it is important to allow leeway in the timelines for such and we must emphasize that this regulation involving individual plans must include the term "developmentally appropriate," for this age group, especially since OCCL has decided to use the word "concerns" when referring to information to be shared with parents. Examples of difficulty complying with 67.2 include part time children, children whose parents speak no English, specific times of year for enrollment and updating.

**Agency Response:** The agency appreciates and acknowledges this comment. The second sentence of regulation 67.2 includes the requirement that a child's individual plan contain goals that are both age and individually appropriate and that the activities and experiences also be developmentally appropriate. The agency has provided a timeframe of 45 days from enrollment to create a plan so that purposeful planning for that child occurs. The agency has provided a timeframe of 45 days from enrollment to create a plan. Early intervention is best so this must be done in a timely manner. The regulation will remain as written.

68.7 "This daily record shall include documentation that each infant was visually monitored every thirty (30) minutes when placed in the crib, playpen, or pack and play to nap/sleep to observe the infant for normal breathing, any signs of distress, and to be ready to assist and respond in case of emergency."

This regulation is very controversial at best. It places an unneeded burden on staff. The ratio in infant rooms does not change when children are at nap. It is always 1:4. Staff is always watching babies. There is no data that indicates that this requirement would save a single child. Infants who die of SIDS can perish with no warning and at any time. They could stop breathing while the staff is writing down that they were just checked, and a baby without oxygen for even one minute would suffer irreparable brain damage EVEN if staff was able to begin breathing, and that chance is minute. Making this a

regulation would give parents an unfounded belief that we could somehow save their child when we could not.

**Agency Response:** The agency appreciates and acknowledges this comment. This regulation was added to ensure the most vulnerable population is monitored while sleeping. These checks require very little time to complete and document (as the documentation could be a simple check mark placed on a form) and should not place an undue burden on staff or promote a false sense of security among families. The regulation will remain as written.

### **Mollie Poland, MPP, Nemours Health and Prevention Services**

Nemours Health & Prevention Services commends the Department of Services for Children, Youth and their Families and the Office of Child Care Licensing for leadership on regulatory developments that advance health for all children in Delaware in revisions of Rules for Early Care and Education and School-Age Centers. We strongly support the recent and collaborative inclusion of:

- The provision of daily, outdoor play opportunities and daily, moderate to vigorous physical activity;
- Breastfeeding support in requiring that centers create and follow a policy allowing a mother to breastfeed her child in a private, designated place in the center other than a kitchen or restroom;
- The practice of paced bottle feedings and observations of cues for infant satiety;
- The provision that formula may not be fed to any infant without direct and prior parental permission;
- The provision that drinking water is always available to children in classrooms and outdoors, either by request or for self service;
- Support for protections around the use of screen time and digital media through time limits for use, appropriate adult supervision and review for age-appropriate, educational material, prohibition from inappropriate material as well as standard prohibition for children younger than two years of age; and
- Support for the Delaware Early Learning Foundations in application to lesson plans and curriculum, classroom activities, and daily interactions between staff or caregivers, infants and children.

**Agency Response:** The agency appreciates these comments.

The Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families adopts and promulgates the following regulations for early care and education and school-age centers as authorized in 31 **Delaware Code**, Sections 341-345, also known as "The Delaware Child Care Act". The terms "Early Care and Education and School-Age" Centers are now used in the field instead of "day care" centers. The Code refers to these types of licensed facilities as day care centers. All previous rules, regulations, and standards pertaining to such facilities are null and void except to the extent all rules, regulations, standards, enforcement actions, decisions, investigations, and the like previously promulgated or taken by the Office of Child Care Licensing shall continue unabated and shall remain in full force and effect notwithstanding promulgations of these regulations or rules. These rules shall take effect on July 1, 2015.

Jennifer Ranji, Secretary  
Department of Services for Children, Youth and Their Families

Victoria Kelly, Director  
Division of Family Services

## **~~101 Regulations for Early Care and Education and School-Age Centers~~**

### **INTRODUCTION**

#### **1.0 Legal Base**

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

#### **2.0 Purpose**

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

### **PART I. GENERAL PROVISIONS**

### 3.0 ~~Definition of Regulated Service~~

- 3.1 ~~Early Care and Education and School-Age Centers provide care, education, protection, supervision or guidance for thirteen (13) or more children, including children who are related to the operator. Service is provided on a regular basis for periods of less than twenty-four (24) hours per day, unattended by parent or guardian, and for compensation. This definition shall include but is not limited to full and part time – day care, child care, early care, early care and education, early childhood education, preschool, nursery school, extended care, extended day care, extended child care, independently operated kindergartens, before and/or after school care, school-age center, school-age care, out of school care, school's out care, school vacation/ holiday care and summer child care.~~
- 3.2 ~~Early care and education and school-age Centers located at public or private schools that are operated by an agency or individual other than the public or private school entity shall be required to be licensed under these rules.~~
- 3.3 ~~The following facilities that operate for less than twenty-four (24) hours per day shall be exempt from licensure under these rules:~~
- 3.3.1 ~~Camps permitted or exempted by the Division of Public Health;~~
  - 3.3.2 ~~Summer schools or classes specifically for religious instruction conducted by religious institutions during summer months;~~
  - 3.3.3 ~~Programs established in connection with a religious institution, a business, or recreation center, in which children are provided care for brief periods of time, while parents/guardians are on the premises, are readily accessible at all times on an on-call basis and are able to resume control of the child immediately;~~
  - 3.3.4 ~~Programs that offer activities for children over the age of six (6) who attend at their own discretion on an "open door" basis, where there is no compensation, and where there is no agreement, written or implied, between the program and the parent(s)/guardian(s) for the program to assume responsibility for the care of the child;~~
  - 3.3.5 ~~Programs that offer care on an ad hoc, sporadic and isolated basis in order to meet an emergency or special need, or~~
  - 3.3.6 ~~Any public or private school that provides regular and thorough instruction through at least the sixth (6<sup>th</sup>) grade in the subjects prescribed for the schools of the State, in a manner suitable to children of the same age and stage of advancement, and that reports to the State Board of Education pursuant to Delaware Code, Title 14, Chapter 27, Subchapter I, Subsection 2704. This exclusion shall include all programs operated by such schools and shall also include preschool education programs for handicapped persons as defined by Delaware Code, Title 14, Chapter 31, Subchapter I, Subsection 3101 (4).~~
- 3.4 ~~The rules are divided into three (3) parts:~~
- ~~Part I – General Provisions;~~
  - ~~Part II – Night Care; and~~
  - ~~Part III – School-Age Center~~
- 3.5 ~~To be licensed as an Early Care and Education and School-Age Center, the General Provisions of Part I shall be met. In addition, Centers shall also meet the following rules before providing Night Care or operating a School-Age Center:~~
- 3.5.1 ~~To provide Night Care, an Early Care and Education Center shall also meet Part II rules;~~
  - 3.5.2 ~~To operate a School-Age Center, a Center shall also meet Part III rules.~~

### 4.0 ~~Definition of Terms~~

~~“Administrative appeal hearing” means the process that entitles an applicant or licensee the opportunity to appeal the Division’s decision to deny or revoke a license.~~

~~“Adult” means a person who has reached his or her eighteenth (18th) birthday.~~

~~“Applicant” means an individual, agency, corporation or partnership applying for a license that is obtained from the Office of Child Care Licensing.~~

~~“Center” means the licensed early care and education and/or school-age center.~~

~~“Certified Child Care Health Consultant” means an independent contractor who has completed the National Training Institute for Child Care Health Consultant Training and is trained to assist early care and education and school-age centers with health and safety issues.~~

~~“Child” means a person who has not reached the age of eighteen (18) years.~~

~~“Child Abuse” means any physical injury to a child by those responsible for the care, custody and control of the child, through unjustified force as defined in Delaware Code, Title 11, Chapter 4, Subsection 468,~~

~~emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment as defined in Delaware Code, Title 16, Chapter 9, Subchapter I, Subsection 902.~~

~~“**Child Neglect**” means the failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary: education as required by law; nutrition; or medical, surgical or any other care necessary for the child’s well-being as defined in Delaware Code, Title 16, Chapter 9, Subchapter I, Subsection 902.~~

~~“**Child Sex Abuse**” means any sexual offense or child exploitation as defined in Delaware Code, Title 11, Chapter 85, Subchapter IV, Subsection 8550.~~

~~“**Child with Disabilities**” means a child who has been diagnosed by a qualified professional as having a physical, intellectual, emotional, developmental or chronic medical conditions(s) or impairments(s) which would require modifications(s) in the regular program of activities for that child at a Center or as defined by applicable Federal and State Laws.~~

~~“**Clock Hour(s)**” means the actual number of hours or time a participant spends attending the instructional portion of a training designed to develop or enhance early care and education or school-age care competencies.~~

~~“**Comprehensive Professional Development System**” means an organized entity within an appropriate Department within the State of Delaware that promotes and coordinates systems and activities to advance the development of the early care and education and school-age care workforce. “Delaware First” has been the name under which a comprehensive professional development system was established for early care and education and school-age care professionals in Delaware.~~

~~“**Complaint**” means an accusation that a Center is not in compliance with the licensing rule(s) or the licensing law(s). Complaints may be written or oral and may be anonymous.~~

~~“**Corrective Action Plan**” means the citing of the relevant rule(s) of non-compliance, a statement of the nature of the non-compliance, the action required to return to compliance and the date by which that compliance shall be attained.~~

~~“**Delaware First**” means the comprehensive professional development system for early care and education and school-age care professionals in Delaware.~~

~~“**Department**” means the Department of Services for Children, Youth and Their Families.~~

~~“**Denial**” means the process of refusing to grant a license after receipt of an original or renewal application. This constitutes refusal of official permission to operate.~~

~~“**Direct Child Care**” means the providing of care, education, protection, supervision or guidance of children.~~

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

~~“**Direct Voice Contact**” means a licensee is required to speak directly with a Licensing Specialist from the Office of Child Care Licensing through a phone call or face-to-face contact. When direct voice contact is required, leaving a voice mail message is not acceptable.~~

~~“**Division**” means the Division of Family Services within the Department.~~

~~“**Early Care and Education**” means the care, education, protection, supervision or guidance of children beginning at birth.~~

~~“**Early Childhood Administrator**” means a staff member with direct responsibility for the Center’s total program of services provided to children and their families, and including, when applicable, the administrative aspects. The Early Childhood Administrator approves curriculum, and when also serving as the Early Childhood Curriculum Coordinator, develops and evaluates curriculum, and implements and/or monitors implementation of curriculum and daily activities for children at the Center. The Early Childhood Administrator supervises the Early Childhood Curriculum Coordinator, and when necessary, Early Childhood Teachers and meets the qualifications specified in Rules 24.5.1 and when applicable, 24.6, 24.7, 24.9.1, and 24.9.2.~~

~~“**Early Childhood Assistant Teacher**” means a staff member who works under the supervision of at least an Early Childhood Teacher and performs direct child care functions and related duties and assists in the implementation of curriculum. The Early Childhood Assistant Teacher meets the qualifications specified in Rule 24.11.1 and when applicable, 24.11.2.~~

~~“**Early Childhood Caregiver**” means a staff member who was formerly a Caregiver at a particular Center licensed before the effective date of these rules or transfers only to a Center licensed before the effective date of these rule that is directly affiliated with the original Center and has qualified for this position at that same Center, and who works under the supervision of at least an Early Childhood Teacher and performs direct child care functions and related duties and assists in the implementation of curriculum. The Early Childhood Caregiver meets the qualifications specified in Rule 24.12.1.~~

**“Early Childhood Curriculum Coordinator”** means a staff member who works under the supervision of the Early Childhood Administrator and is immediately responsible for the direct care, supervision, guidance and education of children at a Center. The Early Childhood Curriculum Coordinator develops and evaluates curriculum, and implements and/or monitors implementation of curriculum and daily activities for children at the Center. The Early Childhood Curriculum Coordinator may supervise Early Childhood Teachers, Early Childhood Assistant Teachers, Early Childhood Caregivers, Early Childhood Interns, Volunteers and Substitutes and meets the qualifications specified in Rules 24.8.1 and when applicable, 24.9.1 and 24.9.2.

**“Early Childhood Intern”** means a staff member who works under the supervision of an Early Childhood Teacher and the direct observation of at least an Early Childhood Assistant Teacher or Early Childhood Caregiver and performs direct child care functions and related duties and meets the qualifications specified in Rules 24.13.1 and when applicable, 24.13.2.

**“Early Childhood Teacher”** means a staff member who works under the supervision of an Early Childhood Administrator or Early Childhood Curriculum Coordinator and is immediately responsible for the direct care, supervision, guidance and education of children at a Center. The Early Childhood Teacher implements the curriculum and daily activities for a group(s) of children. The Early Childhood Teacher may supervise Early Childhood Assistant Teachers, Early Childhood Caregivers, Early Childhood Interns, Volunteers and Substitutes and meet the qualifications specified in Rule 24.10.1.

**“Family”** means biological or adoptive father or mother, but may be interpreted broadly to include any person, whether related to the child by blood or not, who resides with the child, takes part in the child’s family life and also may have responsibility for, or legal custody of the child.

**“Field Trip”** means an excursion trip or program activity off the Center property.

**“Governing Body”** means the person or group of persons with ultimate responsibility for and authority over the operation of a Center, as for example, an owner(s) or Board of Directors.

**“Group Size”** means the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well defined physical space within a large room.

**“Health Care Provider”** means a professional who practices medicine with or without supervision and is sanctioned by an established licensing body. The most common types of health care providers include physicians, advance practice nurses (nurse practitioners), and physician assistants.

**“Individualized Educational Program”** (IEP) means a written statement of a child’s educational program which identifies the services for a child with disabilities or special needs so that he or she may grow and learn during the school year. To develop an IEP, the local education agency officials and others involved in the child’s educational program meet to discuss education related goals.

**“Individualized Family Service Plan”** (IFSP) means a document written at least once each year by the parent(s)/guardian(s) and personnel serving infants/toddlers with disabilities or special needs.

**“Infant”** means a child who is less than one (1) year old.

**“Informal Hearing”** means a meeting between the Division and the licensee when a temporary suspension order has been issued.

**“Institutional Abuse”** means when a person responsible for a child’s care in an out-of-home setting jeopardizes the well being of a child that results or may result in physical or emotional injury.

**“License”** means the Office of Child Care Licensing’s granting of authority through a written certification to a licensee at the Center’s location to operate under applicable State Law(s).

**“Licensee”** means the entity legally responsible for a licensed Center.

**“Licensing Specialist”** means the individual in the employment of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing and is responsible for performing regulatory and enforcement activities in the licensure of early care and education and school-age centers.

**“Meal”** means breakfast, lunch or dinner.

**“Night Care”** means care for any child between the hours of 8:00 P.M. and 6:00 A.M. when the period includes any portion of the child’s normal sleeping hours.

**“Office of Child Care Licensing”** means the organization within the Department authorized under Delaware Code, Title 31, Chapter 3, Subchapter III, to promulgate and enforce rules, regulations and standards for the conduct of child care, including the licensing thereof, and the development and implementation of policies and procedures.

**“Owner”** means the person(s), firm, partnership, association, organization, corporation or governmental entity with legal and/or fiscal responsibility for and authority over the operation of the Center.

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

**"Preschool-Age Child"** means a child three (3) through five (5) years of age who is not yet attending a public or private kindergarten program. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program, that child shall be considered in the preschool-age group until attending either kindergarten or first grade which ever comes first.

**"Professional Development"** means the continuous pursuit of essential knowledge and skills to develop or enhance generally accepted competencies in the early care and education and school-age care field.

**"Regularly or on a regular basis"** means early care and education and school-age care services which are available and provided at a Center on more than one (1) day in any one (1) week.

**"Revocation"** means the process of rescinding a license during the effective dates of a license. This constitutes revocation of official permission to operate.

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

**"School-Age Administrator"** means a staff member of a School-Age Center with direct or supervisory responsibility School-Age for the Center's total program of services provided to children and their families, and including, when applicable, the administrative aspects. The School-Age Administrator approves curriculum and also, when not assigning such duties to a School-Age Site Coordinator, develops and evaluates curriculum, and implements and/or monitors implementation of curriculum and daily activities for children at the School-Age Center. The School-Age Administrator supervises School-Age Site Coordinators and when necessary, School-Age Site Assistants and School-Age Interns, and meets the qualification specified in Rules 89.2.1 and 89.2.2.

**"School-Age Care"** means care, education, protection, supervision or guidance for school-age children in any of the following circumstances: before and/or after school; during school holidays; and/or summer months.

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

**"School-Age Child"** means a child five (5) years of age or older or who is attending kindergarten or higher grade. A child shall be considered school-age for staff /child ratio purposes beginning the first day attending either kindergarten or first grade which ever comes first.

**"School-Age Intern"** means a staff member of a School-Age Center who works under the supervision of at least a School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center, and under the direct observation of at least a School-Age Site Assistant and performs direct child care functions and related duties and meets the qualifications specified in Rules 89.5.1 and when applicable, 89.5.2.

**"School-Age Site Assistant"** means a staff member of a School-Age Center who works under the supervision of at least a School-Age Site Coordinator and performs direct child care functions and related duties and assists in the implementation of curriculum. The School-Age Site Assistant who is designated as responsible for the School-Age Center may supervise School-Age Interns, Volunteers and Substitutes and meets the qualifications specified in Rule 89.4.1.

**"School-Age Site Coordinator"** means a staff member of a School-Age Center who works under the supervision of the School-Age Administrator and is immediately responsible for the day-to-day operations of the School-Age Center, direct care, supervision, guidance and education of the children. The School-Age Site Coordinator implements curriculum and daily activities for children at the School-Age Center. Also, when assigned such duties, the School-Age Site Coordinator develops and evaluates curriculum, and monitors implementation of curriculum. The School-Age Site Coordinator may supervise School-Age Site Assistants, School-Age Interns, Volunteers and Substitutes and meets the qualifications specified in Rules 89.3.1 and, when applicable, 89.3.2.

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

**"Staff or Staff Member"** means any full or part time employee of a Center including substitutes or volunteers.

**"Substitute"** means a paid staff member who is temporarily filling in for a position during the absence of a permanent staff member and works under the supervision of at least an Early Childhood Teacher, School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center, and when necessary, under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant.

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

**"Supervision"** (of staff) means performing monitoring and evaluation functions of assigned staff which includes the observation of interactions of assigned staff with children and families, staff's adherence to the

~~Delacare: Rules for Early Care and Education and School-Age Centers, and the Center's policies and procedures. When performing monitoring functions, supervisory staff shall be physically present in the same room or area as assigned staff and directly observe staff to monitor on-going interaction with children.~~

~~“Suspension Order” means a notice issued by the Office of Child Care Licensing that the license to operate a Center has been suspended.~~

~~“Toddler” means a child who is one (1) to three (3) years of age.~~

~~“Training” means successful participation in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing as designed to develop or enhance the early care and education or school-age care competencies.~~

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

~~“Volunteer” means any person who provides an unpaid service or support to a Center. Volunteers shall be under the supervision of at least an Early Childhood Teacher, School-Age Site Coordinator, or School-Age Site Assistant who is designated as responsible for the School-Age Center and, when necessary, under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School-Age Site Assistant.~~

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

## **5.0 Licensing Process and Procedures**

### **5.1 License Required To Operate**

~~An agency, corporation, partnership or individual shall not operate or maintain a Center unless issued a license to do so by the Office of Child Care Licensing.~~

### **5.2 Authority to Inspect**

~~5.2.1 An applicant or licensee shall allow access to the premises by any authorized representative of the Office of Child Care Licensing, of another State agency, or any local building, fire or health agency for the purposes of determining compliance with applicable provisions of these rules. On-site inspections may be conducted without prior notice.~~

~~5.2.2 An applicant or licensee shall permit any authorized representative of the Office of Child Care Licensing access to information, files and records relevant to determining compliance with applicable provisions of these rules and to interview any staff member, or child.~~

### **5.3 Issuance of License**

~~5.3.1 To qualify for a license, an applicant or licensee shall demonstrate to the satisfaction of the Office of Child Care Licensing that the Center is in full or substantial compliance with applicable provisions of these rules.~~

~~5.3.2 A license shall be issued only to the Center for which application is made and for the address of the Center's actual site.~~

### **5.4 Posting of License**

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

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

~~5.5.1 A separate application shall be made for each Center site location.~~

~~5.5.2 A Center that operates in two (2) or more buildings at the same site location shall have the option of applying for a single license for all buildings at the site location, or for a separate license for each building at the site location.~~

~~5.5.3 An agency or individual who operates an early care and education and/or school-age Center at a public or private school but is not employed by the school shall be required to apply for a license for each Center site location.~~

~~5.5.4 A license shall not be transferable, assignable or subject to sale.~~

### **5.6 Nullification of License**

~~5.6.1 When a Center is sold, leased or discontinued or the operation has moved to a new location or the license has been revoked, the current license shall immediately become null and void.~~

### **5.7 Complaint Procedure**

~~An investigation by the Office of Child Care Licensing shall be made if a complaint is received regarding these rules, *Delacare: Rules for Early Care and Education and School-Age Centers*. The Office of Child Care Licensing shall notify the licensee that a complaint is being investigated. The results of the Office of Child Care Licensing's~~

investigation shall be reported in writing to the Center investigated. If the complaint is substantiated or if any other violations are found as a result of the investigation, the licensee shall be required to abate the violations and come into full or substantial compliance with State Law and the rules and regulations promulgated by the Office of Child Care Licensing.

5.7.1 ~~Complaints relating specifically to laws, rules, or regulations of other governmental entities shall be referred to the appropriate entity for investigation. At the time of the referral the Office of Child Care Licensing shall request a report on the investigation findings.~~

5.7.2 ~~An investigation by the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Children's Services, Institutional Abuse Investigation Unit shall be made if a complaint is received regarding the abuse or neglect of a child at the Center by a staff member.~~

## **6.0 Types of Licenses**

### **6.1 Annual License**

6.1.1 ~~An annual license is issued when the Office of Child Care Licensing determines that a licensee is in full or substantial compliance with applicable provisions of these rules.~~

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

6.2.1 ~~Modified to a provisional license;~~

6.2.2 ~~Revoked;~~

6.2.3 ~~Surrendered prior to the expiration date; or~~

6.2.4 ~~Suspended.~~

### **6.3 Provisional License**

6.3.1 ~~A provisional license may be issued when the Office of Child Care Licensing determines that:~~

6.3.1.1 ~~There is no serious risk to the health, safety and well-being of the children ; and~~

6.3.1.2 ~~A licensee has submitted to the Office of Child Care Licensing and the Office of Child Care Licensing has approved a written corrective action plan.~~

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

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

## **7.0 Procedures for Initial Licensure**

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

7.2 ~~Upon receipt of a completed application, an Office of Child Care Licensing representative shall:~~

7.2.1 ~~Review the application, confer with the applicant, and inspect the premises to determine whether the applicant has fully or substantially complied with applicable provisions of these rules;~~

7.2.2 ~~Make a recommendation to the Office of Child Care Licensing regarding the issuance of a license. If a license is granted, it shall be an initial provisional license issued for six (6) months. An annual license shall be issued if when the licensee fully or substantially meets the applicable provisions of these rules; or~~

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

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

## **8.0 Procedures for License Renewal**

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

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

8.3 ~~When a licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the Office of Child Care Licensing makes a decision on the renewal application.~~

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

## **9.0 Terms of a License**

- 9.1 The license shall contain and display the following:
  - 9.1.1 Status of the license: annual, provisional or extension;
  - 9.1.2 Effective date of the license;
  - 9.1.3 Expiration date of the license;
  - 9.1.4 The maximum number of children who may be served at one (1) time; and
  - 9.1.5 The applicable type of regulated service for which authorization to operate has been granted.
- 9.2 A licensee shall operate a Center within the terms of its license.

## **10.0 Changes Affecting License**

- 10.1 The Office of Child Care Licensing shall determine whether to modify a current license or to require the licensee to submit an application for a new license when any of the following changes occur:
  - 10.1.1 A planned reduction, addition or substantial change in the indoor or outdoor spaces of the Center.
  - 10.1.2 A change in the name of the Center;
  - 10.1.3 A change in the applicable type of regulated services authorized as defined in these rules.
  - 10.1.4 A change in Center capacity.

## **11.0 Order to Suspend a License**

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

## **12.0 Denial and Revocation**

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

## **13.0 Appeal**

- 13.1 If the Division denies or revokes a license to operate, the Division shall notify the licensee in writing at least ten (10) working days prior to taking such action, and specify the licensee's entitlement to appeal the decision and request an administrative appeal hearing. The Division shall notify the licensee in writing of the findings of its investigation and of the reasons for denial or revocation, before taking such action.
- 13.2 If a written or verbal request for an administrative appeal hearing is received by the Division within the ten (10) working days of the date the notice of denial or revocation was mailed, the Division shall ensure that an administrative appeal hearing is held within thirty (30) working days from the date the request for an administrative appeal hearing is received, unless for good cause, the Hearing Officer grants postponement.
- 13.3 The administrative appeal hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the administrative appeal hearing.
- 13.4 If a licensee requests an administrative appeal hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered subsequent to the administrative appeal hearing; except that the Office of Child Care Licensing shall have the authority to suspend the license immediately whenever the health, safety or well being of children in care is in serious or imminent danger.

- 13.5 ~~If a licensee does not make a timely request for an administrative appeal hearing to appeal the decision in accordance with Rule 13.2 or does not request an administrative appeal hearing, the action to deny or revoke a license shall take effect thirty (30) working days after the issuance of the notice. However, if the health, safety or well-being of children in care is in serious or imminent danger, denial or revocation shall be effective immediately upon the issuance of a written notice by the Division.~~

#### **14.0 Rule Variance**

- 14.1 ~~Upon the written request of an applicant or licensee, the Division may grant a variance from any of these rules if the applicant or licensee has documented to the satisfaction of the Division that the intent of the specific rule shall be satisfactorily achieved in a manner other than that prescribed by the rule.~~
- 14.2 ~~The Division shall render its decision on the request in writing, including the conditions for which the variance is granted, and shall send a signed copy of the decision to the applicant or licensee. A copy of the decision shall be maintained on file by the Division and the licensee.~~
- 14.3 ~~The variance may be time-limited or may remain in effect for as long as the licensee continues to maintain the health, care, safety, protection, supervision, and needed services of children.~~
- 14.4 ~~The Division shall monitor the licensee's compliance with the variance. If the licensee fails to comply with the variance, the Division shall initiate necessary enforcement action.~~

### **Administration And Organization**

#### **15.0 Notification to the Office of Child Care Licensing**

- 15.1 ~~A licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) consecutive calendar days before any of the following changes occur:~~
- 15.1.1 ~~A change of ownership or sponsorship;~~
  - 15.1.2 ~~A change of location;~~
  - 15.1.3 ~~A change in the name of the facility or program;~~
  - 15.1.4 ~~A change in the applicable type of regulated service being provided;~~
  - 15.1.5 ~~A change in licensed capacity; or~~
  - 15.1.6 ~~The anticipated closing of the facility or program.~~
- 15.2 ~~A licensee shall notify the Office of Child Care Licensing within five (5) working days of the resignation or termination of the Early Childhood or School-Age Administrator.~~
- 15.3 ~~A licensee shall notify the Office of Child Care Licensing within one (1) working day by direct voice contact during the Office of Child Care Licensing's working hours if any of the following occur:~~
- 15.3.1 ~~Any fire; flood ; or any serious damage due to any other natural or man-made disaster(s) that impact the ability to operate safely;~~
  - 15.3.2 ~~Injury of a child while in the care of a Center requiring inpatient or outpatient treatment. The direct voice contact shall be followed by a written report on a form provided by the Office of Child Care Licensing;~~
  - 15.3.3 ~~Suspected abuse or neglect of a child while at the Center including immediately calling the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the abuse or neglect; or~~
  - 15.3.4 ~~Any known conviction(s) of a staff member including those which prohibit continued employment at the Center, see Rules 20.2.6 – 20.2.8~~
- 15.4 ~~A licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's working hours of the death of a child while in care. If a death occurs after such working hours, the licensee shall immediately call the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).~~

#### **16.0 Governing Body**

- 16.1 ~~A licensee shall have an identifiable owner and/or functioning governing body with responsibility for and authority over the operation of the Center. The owner or governing body shall designate a person to function as the Early Childhood or School-Age Administrator of the Center.~~
- 16.1.1 ~~A licensee of a privately-owned Center shall have documents identifying the name(s) and address(es) of owner(s).~~
  - 16.1.2 ~~A corporation, partnership or association shall have documents, when applicable, identifying all members of the governing body; their addresses; their terms of membership; officers of the governing body; and terms of office of all officers.~~

- 16.1.3 A licensee shall have a procedure for informing all parents/guardians of children attending the Center of the identities of governing body members.
- 16.2 The owner or governing body of a Center shall ensure that the licensee complies with all applicable local, State and Federal Laws and regulations.
- 16.3 A licensee shall have an organized system of business and management and sufficient staff, space and equipment to fulfill the following functions:
  - 16.3.1 Administrative functions;
  - 16.3.2 Fiscal functions;
  - 16.3.3 Clerical functions;
  - 16.3.4 Cleaning and maintenance functions;
  - 16.3.5 Food services functions;
  - 16.3.6 Direct child care functions; and
  - 16.3.7 Supervisory functions.

#### **17.0 Insurance Coverage**

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

#### **18.0 Records**

- 18.1 A licensee shall maintain files and records applicable to licensing.
- 18.2 A licensee shall keep daily attendance records for children, identifying the hours of children's attendance each day.
  - 18.2.1 A licensee shall establish a system for taking attendance when the children arrive and depart the Center and periodically throughout each day to ensure the whereabouts of children in attendance at any given time.
- 18.3 A licensee shall keep a written record of the daily schedule of all staff members, including their position titles, and their exact hours worked throughout the hours of operation at the Center.
- 18.4 A licensee shall have an on-site file for each child including:
  - 18.4.1 The child's name, home address and home telephone number;
  - 18.4.2 Emergency telephone numbers for the parent(s)/guardian(s) and other designated person while the child is in care;
  - 18.4.3 Name and telephone number of the child's health care provider;
  - 18.4.4 Identifying information for all persons authorized to pick the child up from the Center;
  - 18.4.5 Date of admission;
  - 18.4.6 The hours a child is scheduled to attend the Center;
  - 18.4.7 A statement of any special problems, medical, developmental, or educational needs of the child including allergies, existing illnesses or injuries, previous serious illnesses or injuries and any prescribed medication including those for emergency situations;
  - 18.4.8 If provided by the parent(s)/guardian(s), for a child who has been identified as a having disability or special need, copies of IEP IFSP, Section 504 plan and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals to special services;
  - 18.4.9 Written authorization from the parent(s)/guardian(s) for emergency medical care;
  - 18.4.10 Transportation permission, if appropriate;
  - 18.4.11 Health information as required by Rule 61.1;
  - 18.4.12 Injury and illness records including copies of reports submitted to the Office of Child Care Licensing as required by Rule 15.3.2 and 15.3.3 and copies of reports required by Rule 65.1;
  - 18.4.13 Administration of medication records of a child;
  - 18.4.14 If provided by the parent(s)/guardian(s), court orders on custody and visitation arrangements; and
  - 18.4.15 The original copy of *The Parents Right to Know Act* form signed by the parent(s)/guardian(s).
- 18.5 A licensee shall have a procedure to ensure that all information supplied by parents/guardians is continuously updated and available to staff member(s) responsible for a particular child on a need-to-know basis.

#### **19.0 Personnel Files**

- 19.1 A licensee shall have a personnel file for each staff member. The personnel file shall include:
- 19.1.1 Name, date of birth, home address and telephone number;
  - 19.1.2 Date of employment or volunteer start date;
  - 19.1.3 Initial application form;
  - 19.1.4 Reference letters;
  - 19.1.5 Release of employment history form, Service Letters obtained and/or pertinent documentation;
  - 19.1.6 Documents attesting to professional development plans and qualifications;
  - 19.1.7 Written records of required medical examinations and tuberculosis testing;
  - 19.1.8 A statement signed by the staff member stating the staff member's status relative to conviction, current indictment or involvement in any criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior; or any case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in any other state or country;
  - 19.1.9 Verification of fingerprinting form;
  - 19.1.10 Release form and verification of adult abuse registry check;
  - 19.1.11 If transporting children, a copy of a current driver's license;
  - 19.1.12 Copy of job description;
  - 19.1.13 Documentation of receiving information on child abuse and neglect reporting procedures; Orientation form that includes written documentatin that the information as required per Rule 25.0 was initially and periodically reviewed;
  - 19.1.14 Record of attendance for training regarding annual training hours and/or meeting qualifications; and
  - 19.1.15 Date of termination.

## **Human Resources**

### **20.0 Personnel Policies**

#### **20.1 General**

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

#### **20.2 General Qualifications**

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

- 20.2.4 A licensee shall require staff members to be fingerprinted for child care by the Delaware State Police as soon as they are hired or schedule an appointment to be fingerprinted no later than the fifth working day. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted.
  - 20.2.4.1 ~~Volunteers who will be alone with children shall be required to have background checks regardless of time spent at the Center providing unpaid services; or~~
  - 20.2.4.2 ~~Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to have background checks.~~
- 20.2.5 A licensee shall request the results of an adult abuse registry check through the Department of Health and Social Services for applicable staff members as soon as they are hired or no later than the fifth working day.
- 20.2.6 A licensee shall not employ or retain any person as a staff member with:
  - 20.2.6.1 Any conviction, current indictment or substantial evidence of involvement in any criminal activity involving: violence against a person; child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior;
    - 20.2.6.1.1 The licensee may, at its own discretion, make exceptions to the above rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined in Delaware Code, Title 16, Chapter 9, Subchapter II, Subsection 923.
- 20.2.7 The licensee shall not employ or retain in any capacity any person whose child or children are removed from his/her custody because of abuse or neglect.
- 20.2.8 A licensee shall not employ or retain in any capacity any person convicted of any offense defined as child sex abuse in Delaware Code, Title 11, Chapter 85, Subchapter IV, Subsection 8550.
- 20.2.9 A licensee shall inform staff members that alcohol or other drug use that adversely affects essential job functions is unacceptable and the prohibition of unlawful use, possession, manufacture, distribution of controlled substances or alcoholic beverages in the workplace.

## **21.0 Health Requirements**

- 21.1 A licensee shall have for every staff member:
  - 21.1.1 ~~Written report from a health care provider of a health appraisal attesting to the health of the staff member, including the ability to perform essential job functions as described in **Rule #134**, completed within one (1) year prior to the date of employment and on file with the Center within the first month of employment;~~
  - 21.1.2 ~~Written evidence on file with the Center within the first month of employment of freedom from communicable tuberculosis verified within one (1) year prior to the date of initial employment at the Center, with further testing required every fifth year of employment; and~~
  - 21.1.3 ~~Written evidence of follow up of any known health problem of the staff member affecting or potentially affecting his/her ability to care for children.~~

## **22.0 Child Abuse and Neglect**

- 22.1 A licensee shall provide each staff member of the Center written instruction governing the reporting provision of the Delaware child abuse and neglect law(s) and regulations, Center policies and procedures for reporting and documenting suspected abuse and neglect, and maintain on file written documentation of their receipt of this information.
- 22.2 A licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.
- 22.3 A licensee shall develop, adopt, follow and maintain on file written policies and procedures for handling any incident of suspected child abuse or neglect which occurs while a child is in the Center's care. The policies and procedures shall contain provisions specifying that:
  - 22.3.1 The licensee shall immediately report the suspected abuse or neglect as required by Law;
  - 22.3.2 The licensee immediately shall take remedial action to protect children from harm;
  - 22.3.3 The licensee shall take long-term corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the Center by a staff member;

- ~~22.3.4 Any staff member alleged to have perpetrated an incident of child abuse or neglect shall not have direct contact with any child, or be reassigned to other duties that do not involve contact with children until the investigation of the incident is has been completed; and~~
- ~~22.3.5 The licensee shall take disciplinary action against any staff member who committed an act of child abuse or neglect.~~

### **23.0 Owner of a Center**

- ~~23.1 The Owner of a Center shall be considered staff and actively involved if present at the Center during regular hours of operation for seven (7) or more hours per week and is required to follow all rules concerning a staff member of the Center.~~
- ~~23.2 The Owner of a Center shall only count toward staff/child ratios if fully qualified as at least an Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant if left alone with children or as at least an Early Childhood Intern or School-Age Intern if not left alone with children.~~
- ~~23.3 Inactive Owners of a Center or those working less than seven (7) hours per week shall not be considered staff nor assume any direct child care duties and assign day-to-day operational responsibilities to an Early Childhood or School-Age Administrator.~~

### **24.0 Staff Qualifications**

- ~~24.1 For a Center licensed before the effective date of these rules, the licensee shall ensure that a staff member who is already in a particular position or a new hire at that Center:
  - ~~24.1.1 Has four (4) calendar years from the effective date or no later than January 1, 2011 to meet the qualifications of an Early Childhood Administrator, Early Childhood Curriculum Coordinator or Early Childhood Teacher.~~
  - ~~24.1.2 Has two (2) calendar years from the effective date or no later than January 1, 2009 to meet the qualifications of an Early Childhood Assistant Teacher, Early Childhood Caregiver or Early Childhood Intern.~~
  - ~~24.1.3 Is eligible for the time-limited periods to qualify for a particular position provided that person remains at that Center or transfers only to a Center licensed before the effective date of these rules and is directly affiliated with the original Center. A Center directly affiliated with the original Center shall mean that the staff member is still employed by the same parent organization/company and at least retains all years of service when transferred.~~
  - ~~24.1.4 Has a written professional development plan kept in that staff member's personnel file that documents the particular position desired, the goals to achieve that position, the progress made toward the position at least a yearly basis, and the target date for goal completion when working toward qualifying for a particular position during the time-limited period.~~~~
- ~~24.2 A licensee shall ensure that each staff member at a Center submits written documentation to the Office of Child Care Licensing that shows how a staff member is fully qualified for a particular position. The documentation shall consist of copies of training certificates, transcripts, diploma(s), or staff training records. Upon approval from the Office of Child Care Licensing, the licensee shall ensure that the letter of approval for each qualified staff member is filed in that staff member's personnel file.~~
- ~~24.3 A licensee shall ensure that a staff member qualifying for a particular position in a Center may, when applicable, use college/university credits based on specific topic areas/titles, substitutions for college/university credits, or other training that is demonstrated to be equivalent to a particular qualification in these rules all as approved or accepted by the Office of Child Care Licensing.~~
- ~~24.4 A licensee shall ensure that a person appointed to a position at a Center that becomes newly licensed subsequent to the effective date shall meet the qualifications of these rules for that position.~~
- ~~24.5 Early Childhood Administrator
  - ~~24.5.1 A licensee shall ensure that the Early Childhood Administrator of the Center is at least twenty one (21) years of age and meets one (1) of the following qualifications:
    - ~~24.5.1.1 At least an Associate Degree from an accredited college or university in [or in] a field related to child development, early childhood education, psychology, social work, special education, elementary education, nursing, human services or business administration including at least fifteen (15) college/university credits in course content covering at least three (3) of the following topic areas child development, developmental curriculum planning, positive behavior management, health and safety, nutrition, family/community and professionalism ; and twenty-four (24) months of experience working with children preschool age or younger in a group setting; or~~~~~~

- 24.5.1.2 ~~At least a Bachelor degree from an accredited college or university including at least fifteen (15) college/university credits in course content covering at least three (3) of the following topic areas child development; developmental curriculum planning, positive behavior management, health and safety, nutrition, family/community and professionalism ; and twenty four (24) months of experience working with children preschool age or younger in a group setting.~~
- 24.6 ~~An Early Childhood Administrator, who before the effective date of these rules was known as the Program Director at a particular Center and qualified for that position with a Bachelor or Associate degree and twelve (12) college/university credits in child development or early childhood education, shall be able to apply those particular college/university credits to the credit requirement of Rule 24.5.1 provided that person remains at that Center or transfers only to a Center licensed before the effective date of these rules and is directly affiliated with the original Center.~~
- 24.7 ~~A licensee shall ensure that the Early Childhood Administrator who manages the Center's administrative duties such as human resources/personnel and fiscal has at least three (3) college/university credits or forty-five (45) clock hours of training in administration which may be included in the total number of college/university credits required for the position unless such duties are not the responsibility of the Early Childhood Administrator.~~
- 24.7.1 ~~A written plan approved by the Office of Child Care Licensing shall be required if such duties are not the responsibility of the Early Childhood Administrator. The written plan shall identify the person/entity performing these duties, and the qualifying factors regarding the person/entity. Any changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.~~
- 24.8 ~~An Early Childhood Administrator, who before the effective date of these rules was known as the Program Director at a particular Center shall be able to serve as the Early Childhood Administrator provided that person remains at that original Center or transfers only to a Center licensed before the effective date of these rules is directly affiliated with the original Center, and meets all of the following qualifications:~~
- 24.8.1 ~~Has three (3) college/university credits, or forty-five (45) clock hours of training in administration related to operating a Center;~~
- 24.8.2 ~~Meets at least one (1) of the qualifications of an Early Childhood Teacher as stated in Rule 24.10.1;~~
- 24.8.2.1 ~~For Rule 24.11.1.4, the nine (9) college/university credits may be in early childhood education or child development; and~~
- 24.8.3 ~~Has an Early Childhood Curriculum Coordinator on staff that meets the qualifications of that position with at least an Associate degree as stated in Rule 24.9.1.2.~~
- 24.9 ~~Early Childhood Curriculum Coordinator~~
- 24.9.1 ~~A licensee shall ensure that an Early Childhood Curriculum Coordinator is at least twenty (20) years of age and meets one (1) of the following qualifications:~~
- 24.9.1.1 ~~At least a high school degree or its equivalent and successful completion of fifteen (15) college/university credits in child development or early childhood education of which six (6) college/university credits shall be in early childhood curriculum development and planning and thirty-six (36) months of experience working with children preschool age or younger in group setting;~~
- 24.9.1.2 ~~At least an Associate degree from an accredited college or university in or in a field related to child development, psychology, social work, special education, nursing or human services, including at least fifteen (15) college/university credits in child development or early childhood education and twenty four (24) months of experience working with children preschool age or younger in a group setting;~~
- 24.9.1.3 ~~At least an Associate degree from an accredited college or university in early childhood education and twelve (12) months of experience working with children preschool age or younger in a group setting; or~~
- 24.9.1.4 ~~At least a Bachelor degree from a college or university including at least fifteen (15) college/university credits in child development or early childhood education and twelve (12) months of experience working with children preschool age or younger in a group setting; or~~
- 24.10 ~~Early Childhood Administrator or Early Childhood Curriculum Coordinator — Specialized Training~~
- 24.10.1 ~~A licensee shall ensure that either the Early Childhood Administrator or Early Childhood Curriculum Coordinator has successfully completed three (3) college/university credits, which may be included in the total number of college/university credits required for the position, or forty-five (45) clock hours of training in infant and/or toddler development and curriculum if the Center serves infants and/or toddlers.~~
- 24.10.2 ~~A licensee shall ensure that either the Early Childhood Administrator or Early Childhood Curriculum Coordinator has successfully completed fifteen (15) clock hours of training in school-age care if the Center~~

serves school-age children. The clock hours may be translated from college/university credits and included in the total number of college/university credits required for the position.

#### 24.11 Early Childhood Teacher

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

24.11.1.1 At least a high school degree or its equivalent and successful completion of both "Training for Early Care and Education 1 and 2" and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.2 At least a high school degree or its equivalent and a valid Child Development Associate Credential that is current and has not expired and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.3 At least a high school degree or its equivalent and successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.4 At least a high school degree or its equivalent and successful completion of nine (9) college/university credits – three (3) in child development, three (3) in early childhood education and three (3) in positive behavior management and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.4.1 Forty-five (45) clock hours in positive behavior management may substitute for three (3) college/university credits.

24.11.1.5 At least a high school degree with successful completion of a vocational/technical high school three (3) year program in early childhood education approved by Delaware's Department of Education and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.6 At least a high school degree or its equivalent and successful completion of the course work toward a Montessori Infant and Toddler Full/Associate Credential or a Montessori Early Childhood Full/Associate Credential from a MACTE approved training program and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.7 At least a high school degree or its equivalent and successful completion of a one (1) year early childhood diploma program from a two (2) year college and twelve (12) months of experience working with children preschool age or younger in a group setting;

24.11.1.8 At least an Associate degree from an accredited college or university with six (6) college/university credits in child development or early childhood education and three (3) months of supervised student teaching or twelve (12) months of experience working with children preschool age or younger in a group setting; or

24.11.1.9 At least a Bachelor degree from an accredited college or university including at least six (6) college/university credits of child development or early childhood education and three (3) months of supervised student teaching or twelve (12) months of experience working with children preschool age or younger in a group setting.

#### 24.12 Early Childhood Assistant Teacher

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

24.12.1.1 At least a high school degree or its equivalent and successful completion of "Training for Early Care and Education 1" and six (6) months of experience working with children preschool age or younger in a group setting;

24.12.1.2 At least a high school degree with successful completion of that traditional high school's career pathway program in early childhood as recognized by the Office of Child Care Licensing and six (6) months of experience working with children preschool age or younger in a group setting; or

24.12.1.3 At least a high school degree or its equivalent and successful completion of six (6) college/university credits – three (3) in child development and three (3) in early childhood education and six (6) months of experience working with children preschool age or younger in a group setting.

24.12.2 A staff member who, before the effective date of these rules, was in the position formerly known as a Caregiver at a particular Center shall have one (1) of the following opportunities to qualify for the position of Early Childhood Assistant Teacher. These opportunities shall be time-limited to two (2) calendar years from the effective date of these rules as stated in Rule 24.1.2

24.12.2.1 Demonstrate through the development of a portfolio that prior training and experience is equivalent to the information taught in "Training for Early Care and Education 1". Success completion of this

option shall be receiving a grade of seventy five percent (75%) or better and is recognized as equivalent to completing "Training for Early Care and Education 1" and is applicable toward advancing to higher positions in any Center.

24.12.2.2 ~~Pass a test recognized by the Office of Child Care Licensing as equivalent to the information taught in "Training for Early Care and Education 1". Successful completion of this option shall be receiving a grade of seventy five percent (75%) or better and is recognized as equivalent to completing "Training for Early Care and Education 1" and is applicable toward advancing to higher positions in any Center.~~

#### 24.13 Early Childhood Caregiver

24.13.1 ~~A licensee shall ensure that an Early Childhood Caregiver is at least eighteen (18) years of age, and before the effective date of these rules, was in the position formerly known as a Caregiver at a particular Center licensed before the effective date of these rules. Successful completion of the training required for this position is time limited to two (2) calendar years from the effective date of these rules as stated in Rule 24.1.2. The position of Early Childhood Caregiver is acceptable provided that person remains at that Center or transfers only to a Center licensed before the effective date of these rules and is directly affiliated with the original Center. The Early Childhood Caregiver shall meet the following qualification:~~

24.13.1.1 ~~Demonstrates successful completion of a total of sixty (60) clock hours of training based on the early care and education core topic areas and divided into each of the following: Child Development (fifteen (15) clock hours), Developmental Curriculum Planning (twelve (12) clock hours), Positive Behavior Management (twelve (12) clock hours), Health (three (3) clock hours), Safety (three (3) clock hours), Nutrition (three (3) clock hours), Family/Community (six (6) clock hours), and Professionalism (six (6) clock hours). Such clock hours taken prior to the effective date of these rules or during the time limited period shall count toward this position.~~

#### 24.14 Early Childhood Intern

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

24.14.1.1 ~~At least successful completion of either Delaware First's "Introduction to Child Care" or "Child Development" completed within twelve (12) months of employment; or~~

24.14.1.2 ~~At least successful completion of three (3) college/university credits in either child development or early childhood education;~~

24.14.1.2.1 ~~Fifteen (15) year olds may be hired only if they are attending a vocational/technical high school three (3) year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment in such programs shall be on file at the Center.~~

24.14.2 ~~A licensee shall ensure that an Early Childhood Intern under the age of eighteen (18) does not provide direct child care to children who are close in age. Such an Early Childhood Intern shall be at least four (4) years older than any child in his or her direct care.~~

#### 24.15 Staffing

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

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

24.15.3 ~~An Early Childhood Administrator shall also be able to serve as the Early Childhood Curriculum Coordinator if the following circumstances have been met:~~

24.15.3.1 ~~The Early Childhood Administrator meets the qualifications with at least an Associate degree as stated in Rule 24.5.1.1; and~~

24.15.3.2 ~~The Center has a capacity of sixty (60) or fewer children; or~~

24.15.3.3 ~~The licensee shall ensure through a written plan approved by the Office of Child Care Licensing that the Center's administrative duties such as human resources/personnel and fiscal are not the responsibility of the Early Childhood Administrator. The written plan shall identify the person/entity performing these duties, and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.~~

24.15.4 ~~A licensee shall ensure that a staff member who meets the qualifications for the position of an Early Childhood Administrator or Early Childhood Curriculum Coordinator is at the Center at least seventy five percent (75%) of the hours of operation.~~

24.15.4.1 If an Early Childhood Administrator is responsible for two (2) or more Centers, each with capacities of sixty (60) or fewer children, a staff member who meets the qualifications for the position of an Early Childhood Administrator or Early Childhood Curriculum Coordinator shall be at each Center at least fifty percent (50%) of the hours of operation.

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

<b>Early Childhood Teacher(s)</b>	<b>Total # of Early Childhood Assistants, Caregivers and Interns</b>
1	1 to 4
2	5 to 8
3	9 to 12
4	13 to 16
5	17 to 20
6	21 to 24
7	25 to 28
8	29 to 32
9	33 to 36
10	37 to 40

(and continue as needed)

24.15.5.1 The ratio of Early Childhood Teachers to Early Childhood Assistant Teachers, Early Childhood Caregivers, and Early Childhood Interns shall be based on the number of staff as needed to comply with staff/child ratios as stated in Rule 29.1. A licensee may choose to use more staff than required without needing to increase the number of Early Childhood Teachers. Part-time staff members working in the positions of Early Childhood Assistant Teachers, Early Childhood Caregivers, and Early Childhood Interns may be grouped as one (1) Full Time Equivalent (FTE) when their combined part-time work schedules add up to the equivalent of a full time staff person at the Center.

#### 24.16 Direct Child Care Duties

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

#### 24.17 Substitute and Volunteer Staff

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

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

24.17.2 A licensee shall ensure that volunteers are at least sixteen (16) years of age and counted for the purposes of staff/child ratios only when it is documented that they are fully qualified for the particular position in which they are volunteering and present at the Center for seven (7) or more hours a week.

24.17.3 A licensee shall ensure that volunteers present less than seven (7) hours a week are not counted toward staff/child ratios and be under the supervision of at least an Early Childhood Teacher, School Age Site Coordinator, or School Age Site Assistant who is designated as responsible for the School Age Center and under the direct observation of at least an Early Childhood Assistant Teacher, Early Childhood Caregiver, or School Age Site Assistant at all times and not be alone with the children at any time.

24.17.4 A licensee shall ensure that a substitute or volunteer may be fifteen (15) years old only if they are attending a vocational/technical high school three (3) year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment and attendance in such programs shall be on file at the Center.

## **25.0 Orientation**

- 25.1 A licensee shall document that all staff members have been given an orientation training session with the opportunity to ask questions and receive clarification at the beginning of employment at the Center and periodic updates as information is revised on the following:
- 25.1.1 Emergency and evacuation procedures;
  - 25.1.2 Center policies on positive behavior management, routine and emergency health care including health exclusions, child accident and injury procedures, administration of medication, child care, goals and program for children, recordkeeping, family involvement, safety and sanitation procedures, nutrition and food safety, transporting children, if applicable, and release of children;
  - 25.1.3 Center personnel and administrative policies;
  - 25.1.4 Child abuse and neglect law and reporting requirements and Center procedures to report abuse and neglect;
  - 25.1.5 Recognition of the symptoms of childhood illnesses, including reportable communicable diseases, child abuse, sexual abuse and neglect;
  - 25.1.6 Information on any other Federal or State Laws or regulations applicable to children and families in care including non-discrimination; and
  - 25.1.7 Applicable licensing rules and the location of a copy of the complete rules shall be made available at the Center for staff review whenever requested.

## **26.0 Annual Training**

- 26.1 A licensee shall document that all staff, including an actively involved Owner and the Early Childhood or School-Age Administrator, participate in annual training. Staff members providing direct child care and working twenty-five (25) or more hours per week shall participate in eighteen (18) clock hours of training annually, and those working less than twenty-five (25) hours per week shall participate in nine (9) clock hours of training annually. Staff members not providing direct child care shall participate in three (3) clock hours of training annually. Only owners, substitutes, or volunteers that work or volunteer less than seven (7) hours per week shall be exempt from the annual training requirements.
- 26.1.1 For staff members providing direct child care, all training shall be within topics or core areas associated with improving quality in early care and education and school-age care. Topics shall include the following core areas: Child Development; Developmental Curriculum Planning; Understanding Children's Behavior; Health and Safety ; Nutrition; Family/Community ; Professionalism; and Administration.
  - 26.1.2 For staff members not providing direct child care such as those assigned only to clerical janitorial and food service duties, training shall be in topics specific to the job functions of their particular position.
  - 26.1.3 Training in CPR, First Aid and Administration of Medication shall not count toward a staff member's annual training requirement even when required for a particular position.
- 26.2 A licensee shall ensure that staff members complete annual training during the time period beginning at the start date and ending at the expiration date of the Center's license.

## **27.0 Annual Professional Development Plan**

- 27.1 A licensee shall ensure that each year all staff members complete individual Professional Development Plans which includes input from the staff member and is approved by the Early Childhood or School-Age Administrator. The Professional Development Plans shall at least include written documentation of the following:
- 27.1.1 Current qualifications;
  - 27.1.2 Annual goal(s) for the individual staff member's professional development;
  - 27.1.3 Progress made toward the goal(s);
  - 27.1.4 All training completed by the staff member during that particular year including copies of training certificates and/or proof of successful completion of the training; and
  - 27.1.5 How listed training is related to goals.
- 27.2 A licensee shall ensure that the individual Professional Development Plans are available for review by the Office of Child Care Licensing as a part of the Center's annual licensure renewal process.

## **28.0 First Aid and CPR Training**

- 28.1 A licensee shall document that staff in all positions except Early Childhood and School-Age Interns have proof of completing a First Aid course every three (3) years and receive current certification in cardiopulmonary resuscitation (CPR).
  - 28.1.1 Staff who are assigned to care for children eight (8) years of age and younger shall have proof of completing a First Aid course applicable to infants and/or children and receive current certification in CPR for infants and/or children.
  - 28.1.2 Staff who are assigned to care for children nine (9) years of age and older shall have proof of completing a First Aid course applicable to children and adults and receive current certification in CPR for adults.
- 28.2 A licensee shall ensure that staff members in positions requiring First Aid and CPR complete First Aid and CPR training within six (6) months from the date of hire.
- 28.3 A licensee shall ensure that staff of a Center licensed before the effective date of these rules shall have six (6) months from the effective date of these rules to complete First Aid and CPR training.
- 28.4 A licensee shall ensure that at least one (1) staff member with First Aid and CPR training applicable to the ages of all children at the Center is present during all hours of operation when children are in attendance including the beginning and end of the day and during off-site activities such as outings or field trips.

**29.0 Number of Staff**

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

Age of Child	Minimum Staff/Child Ratio	Maximum Group Size
Infant Under 1 Year	1:4	8
Young Toddler 1 to 2 Years	1:6	12
Older Toddler 2 to 3 Years	1:8	16
Young Preschool Child 3 to 4 Years	1:10	20
Older Preschool Child 4 to 5 Years or older (Or not yet in K* or first grade which ever comes first)	1:12	24
School-Age Child 5 Years or older (Or at least in K* or first grade which ever comes first)	1:15	30

\* K-Kindergarten

- 29.1.1 A Center licensed before the effective date of these rules shall have four (4) calendar years from the effective date or no later than January 1, 2011 to achieve compliance with staff/child ratios and maximum group sizes requirements.
- 29.2 A licensee shall ensure that a Center develops a plan to accomplish maximum group size requirements. The plan shall be approved by the Office of Child Care Licensing and address the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room. The approved plan shall be implemented to achieve maximum group size requirements at the Center.
- 29.3 A licensee shall maintain the full staff/child ratio for infants at all times.
- 29.4 A licensee shall ensure that for mixed age groups, the staff/child ratio and group size requirements are that for the age of the youngest child present.

- ~~29.5 A licensee shall ensure that the curriculum goals and program of daily activities for each group of children is implemented by an assigned staff member in the position of Early Childhood Teacher, School-Age Site Coordinator, Early Childhood Assistant Teacher, School-Age Site Assistant, or Early Childhood Caregiver with approval and monitoring by either the Early Childhood Administrator, School-Age Administrator or Early Childhood Curriculum Coordinator, or School-Age Site Coordinator when assigned such duty.~~
- ~~29.6 A licensee shall assign staff to each group of children to meet staff/child ratios.~~
- ~~29.6.1 Only staff members who are qualified, physically present, and working with children shall be counted for the purposes of staff/child ratios.~~
- ~~29.7 A licensee shall ensure that for children one (1) year and older, during nap times when children are sleeping, at least one-half (1/2) of the normal staff/child ratios as required by Rule 29.1 are physically present with each group of children and directly observing the children.~~
- ~~29.8 A licensee shall provide supervision of children at all times.~~
- ~~29.9 A licensee shall have at least two (2) staff present when seven (7) or more children one (1) year and older are present.~~
- ~~29.9.1 The licensee shall have emergency procedures providing immediate access to emergency service and additional staff when only one (1) staff member is present with children at the Center.~~
- ~~29.9.2 When only one (1) staff member is present with children, that staff member shall have no other responsibilities than direct child care during that time.~~
- ~~29.10 A licensee shall ensure that during times when children are normally arriving at the beginning of the day and leaving at the end of the day, the segregation of age groups for children one (1) year and older will not be required but that there is an organized approach to the supervision of and accountability for children and staff/child ratios are still maintained.~~

### **30.0 Staff Communication**

- ~~30.1 A licensee shall have an organized system of documented communication among staff to ensure that any staff member assuming responsibility for a child or children as, for example, during shift changes, is informed of any significant information, problem, need or special circumstance involving the child or children.~~

## **Physical Environment And Safety**

### **31.0 General**

- ~~31.1 A licensee shall ensure that every building, or part thereof that is used as a Center, is constructed, used, furnished, maintained and equipped in compliance with all applicable requirements established by Federal, State, local and municipal regulatory bodies.~~
- ~~31.1.1 The licensee shall have written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation and fire safety.~~

### **32.0 Usable Space**

- ~~32.1 A licensee shall maintain all areas of the facility in a clean, safe condition free from hazards to the health and safety of children.~~
- ~~32.2 A licensee shall ensure that all structures, fences, equipment and grounds are maintained so as to be free from any hazard to health and safety.~~
- ~~32.3 A licensee shall ensure that grounds drain either naturally or through installed drainage systems so that there is no standing drainage water on the premises.~~
- ~~32.4 A licensee shall ensure that garbage and rubbish are stored securely in non-combustible, covered containers in separate areas inaccessible to children and is removed on a regular basis but not less than once every week.~~
- ~~32.4.1 Outdoor containers, other than dumpsters, shall be cleaned after each collection.~~
- ~~32.4.2 Indoor trash containers shall be emptied daily and kept clean.~~
- ~~32.5 A licensee shall ensure that trash collection receptacles are stored in designated areas away from the children's play areas.~~
- ~~32.6 A licensee shall ensure that all areas accessible to the Center determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots, are fenced off or have natural barriers to protect children.~~

### 33.0 Outdoor Area

- 33.1 A licensee shall maintain or have access to an outdoor play area with at least seventy-five (75) square feet for each child for the maximum number of children who will use the playground at one (1) time.
  - 33.1.1 The outdoor play area shall be large enough to accommodate at least one-fourth (1/4) of the licensed capacity of the facility at any one (1) time.
- 33.2 A licensee of a Center licensed before the effective date of these rules shall maintain or have access to an outdoor play area with at least fifty (50) square feet for each child for the maximum number of children who will use the playground at one (1) time.
  - 33.2.1 The outdoor play area shall be large enough to accommodate at least one-fourth (1/4) of the licensed capacity of the facility at any one (1) time.
  - 33.2.2 If the capacity of a Center licensed before the effective date of these rules changes for any reason, the licensee shall be required to ensure that the outdoor play area is in compliance with Rule 33.1.
- 33.3 A licensee shall ensure that the outdoor play area is situated adjacent to or within close proximity to the Center and available to the children
  - 33.3.1 The play area shall be accessible by a safe route.
- 33.4 A licensee shall ensure that outdoor play areas are fenced.
  - 33.4.1 Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and not prevent observation of children by staff.
  - 33.4.2 Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3½) inches.
  - 33.4.3 Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or of a type such that small children cannot open it.
  - 33.4.4 Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building.
- 33.5 For a Center licensed before the effective date of these rules, the existing fencing shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the new fencing shall fully comply with Rule 33.4.
- 33.6 For a Center licensed before the effective date of these rules that has no existing fencing, that Center shall have two (2) years from the effective date or no later than January 1, 2009 to install fencing fully in compliance with Rule 33.4.
- 33.7 A licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zones of climbing equipment, slides, swings and similar equipment is of approved resilient material which absorbs falls.
  - 33.7.1 The fall zones shall be between six (6) to twelve (12) inches deep as determined by the height of the highest climbing surface of the equipment and consist of wood chips, mulch, engineered wood fibers, sand, pea gravel, safety-tested shredded or unitary rubber or rubber-like materials, or rubber mats; or
    - 33.7.2.1 The use of shredded tires shall be permitted if the licensee obtains a guarantee from the supplier that the materials are free from steel wires or other contaminants and follows specific instructions from the supplier to determine the appropriate depth.
    - 33.7.2.2 All materials used for protective surfaces shall be of a size that prevents choking.
  - 33.7.2 The materials used in the fall zone shall follow the instructions as listed in the most recent publication of the United States Consumer Product Safety Commission's (CPSC) *Handbook for Public Playground Safety* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpsc/pub/pubs/325.pdf> Table Critical Heights (in feet) of Tested Materials (currently on page 5 of the CPSC document); or
  - 33.7.3 The materials used in the fall zone shall follow the specific instructions as documented from the supplier to determine the appropriate depth or thickness.
  - 33.7.4 Protective surfaces shall extend at least six (6) feet in all directions from play equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar.
- 33.8 A licensee shall ensure that all surfaces of the outdoor play area are made up of materials that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing.
- 33.9 For a Center licensed before the effective date of these rules, that Center shall have two (2) years or no later than January 1, 2009 to replace small gravel or small stones with pea gravel or with another surface as approved by the Office of Child Care Licensing.
- 33.10 A licensee shall ensure that the outdoor play area has equipment for vigorous play and large muscle activity with attention to the needs of the diversity of children served and their abilities to participate and is free of hazards.

- ~~33.10.1 Staff shall inspect the outdoor play area before children begin to play to ensure there are no hazards present and play equipment is safe for use.~~
- 33.11 A licensee shall ensure that outdoor play equipment is securely anchored unless portable by design, in good repair and placed with regard for safe use.
- 33.11.1 Outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner.
- 33.11.2 Separate outdoor sandboxes shall be covered when not in use.
- 33.12 A licensee shall ensure that the outdoor play area has a shaded rest area for children.
- 33.13 When a licensee can demonstrate that the outdoor space rule cannot be met, the licensee shall provide, in addition to the indoor play space required by Rule 36.1, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity.
- 33.13.1 The indoor space shall be at the site of the Center.
- 33.13.2 The licensee shall have a written plan which specifies how large muscle activity will be provided.
- 33.13.3 The licensee shall have a written plan to ensure some opportunities for safe outdoor activities in accordance with Rules 47.1, 72.6 and 72.9.
- 33.13.4 When using public areas, staff shall inspect the area before children begin to play to ensure there are no hazards present and play equipment is safe for use.
- 33.14 For a Center licensed before the effective date of these rules, the indoor space as indicated in Rule 33.13.1 may be at a nearby facility that was previously used and approved by the Office of Child Care Licensing unless the capacity of the Center increases or the physical plant of the Center changes allowing room for an indoor play space.
- 33.15 A licensee shall ensure that a roof top or elevated play space above the first floor is protected by a non-climbable, secure and hazard-free barrier that is at least seven (7) feet in height.

#### **34.0 Riding Toys**

- 34.1 A licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.
- 34.2 A licensee shall ensure that all children wear approved safety helmets while riding bicycles with wheels of twenty (20) or more inches in diameter.
- 34.2.1 Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. All interior and exterior surfaces of the helmet shall be wiped clean between users.
- 34.2.2 Helmets shall be removed before allowing children to use playground equipment.

#### **35.0 Access To Space By Children**

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

#### **36.0 Indoor Area**

- 36.1 A licensee shall ensure that a Center has at least thirty-five (35) square feet for each child. Measurements shall be from wall to wall on the inside.
- 36.1.1 Toilet rooms, kitchen areas, isolation areas, offices, storage spaces, hallways, furnace rooms and other areas not used by children for sleep or play on a routine basis shall not be counted in computing required square footage.
- 36.2 A multi-purpose room shall be allowed to count toward the indoor square footage of a Center when the room is routinely available for usage every day the Center is open.
- 36.3 A licensee shall ensure that the floors of all rooms in a Center have a surface which is safe and cleanable.

#### **37.0 Sleeping Accommodations**

- 37.1 A licensee shall ensure that each child, except school-age children who do not sleep at the Center, has clean, age-appropriate individual rest equipment such as a crib, playpen, cot, bed or mat and bedding.
- 37.1.1 A child's rest equipment shall be labeled with the child's name and used only by the child while attending the program.
- 37.1.2 Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings.
- 37.1.3 Cots, beds, mats and mattresses, and crib mattresses shall be cleaned and sanitized at least weekly and when soiled or wet.

- 37.1.4 Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child.
- 37.1.5 Each child under eighteen (18) months of age and/or not walking shall sleep in a crib or playpen. A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a cot, bed, or mat and bedding with written permission from the child's parent(s)/guardian(s).
- 37.2 A licensee shall ensure that sleeping mats are stored so that there is no contact with the sleeping surface of another mat or disinfected after each use.
- 37.3 A licensee shall ensure that cribs are not stacked while in use.
  - 37.3.1 Cribs and playpens shall have slats so placed as to allow gaps of no larger than two and three-eighths (2-3/8) inches.
  - 37.3.2 Cribs and playpens shall have top rails at least twenty (20) inches above the mattress with the mattress set at its lowest position and side rail locked in its highest position.
  - 37.3.3 Any latches on cribs or playpens shall be safe and secured.
  - 37.3.4 Crib mattresses shall be firm and tight-fitting.
  - 37.3.5 Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as infant sleeping surfaces.
  - 37.3.6 All pillows, bumper pads, quilts, comforters, sheepskin, stuffed toys, and any other soft products shall be removed from cribs while an infant is in the crib.
  - 37.3.7 Toys or objects hung over an infant in a crib shall be held securely and be of a size and weight that would not injure an infant if the toy or object accidentally falls or if the infant pulls on the object.
- 37.4 A licensee shall ensure that seasonably appropriate top and bottom coverings, such as sheets and blankets, are provided for each child.
  - 37.4.1 Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet.
- 37.5 A licensee shall ensure that rest equipment is placed at least one and one-half (1 1/2) feet apart while in use with children sleeping in alternating body positions aligning their head to the feet of the child next to them.
- 37.6 A licensee shall ensure that rest equipment is maintained in a safe condition.

### **38.0 Area for Children Who Become Ill**

- 38.1 A licensee shall ensure that a Center has a separate area where children who are exhibiting illnesses/symptoms requiring exclusion from the Center are cared for until they can be removed from the Center or are diagnosed as posing no risk to themselves or others.
  - 38.1.1 The separate area shall be furnished with rest equipment provided with clean bedding.
  - 38.1.2 This area shall not be located in the kitchen or toilet areas.
  - 38.1.3 All items used by an ill child, including rest equipment, bedding, utensils and toys shall be cleaned and disinfected prior to being used by another child.
  - 38.1.4 While in this area, staff shall ensure that the child is supervised and the child's individual needs for rest, comfort, food, drink and activity are met until the child can be picked up by a parent/guardian or suitably cared for elsewhere.

### **39.0 Toilet Facilities**

- 39.1 A licensee shall ensure that a Center has enclosed toilet rooms inside the building on the same floor as inside play area(s).
  - 39.1.1 Toilet rooms shall have no locks within the children's reach.
- 39.2 A licensee shall ensure that a Center serving children over twenty four (24) months of age has at least the number of child-sized or standard toilets and sinks in the following ratios:
  - 39.2.1 One (1) to ten (10) child-sized toilets for children over twenty four (24) months through preschool age;
  - 39.2.2 One (1) to fifteen (15) standard toilets for school-age children and staff;
  - 39.2.3 At least one (1) sink shall be in the toilet room; and
  - 39.2.4 Staff shall be counted in determining the number of toilets and sinks if the Center does not provide separate toilet facilities for staff.
- 39.3 For a Center licensed before the effective date of these rules, the existing number of toilets and sinks shall be acceptable as long as the conditions of the original Environmental Health plan approval continue to be met.
  - 39.3.1 If the capacity or physical plant of a Center licensed before the effective date of these rules changes for any reason, the licensee shall be required to ensure that the toilets and sinks are in compliance with Rule 39.2.

- 39.4 A licensee shall ensure that a Center serving only children under twenty four (24) months of age has at least one (1) toilet and sink when fewer than twenty (20) children are served and at least two (2) toilets and sinks when more than twenty (20) children are served.
- 39.5 A licensee shall ensure that potty chairs are not be substituted for toilets and, if used, are placed in the toilet room.
- 39.5.1 Potty chairs, when used, shall be cleaned and sanitized after each use in accordance with Rules # 40.1 and 40.2.
- 39.5.2 A licensee shall ensure that toilet rooms in a Center has at least one (1) operable window or mechanical ventilation.
- 39.5.3 A licensee shall provide soap, toilet paper and single service towels or hand drying device in the toilet room(s) and make them accessible to the children.
- 39.5.4 A licensee shall ensure that all surfaces in a toilet room are smooth, cleanable and non-absorbent.
- 39.5.5 A licensee shall ensure that toilet room(s) in a Center are maintained in a sanitary condition and cleaned daily or more frequently if needed.

#### **40.0 Sanitation**

- 40.1 A licensee shall ensure that areas and equipment specified in Rules 40.2 and 40.3 are washed with soap and water and disinfected as required.
- 40.1.1 The disinfectant solution shall either be a self-made solution consisting of one fourth (1/4) cup of household bleach to each gallon of water (one (1) tablespoon per quart), which is prepared daily, labeled, placed in a bottle that is sealed with a cap and stored out of the reach of children or a commercially prepared disinfectant which indicates it kills bacteria, viruses and parasites and used in accordance with label instructions.
- 40.2 A licensee shall ensure that staff wash and disinfect the following equipment items or surfaces after each use:
- 40.2.1 Potty chairs which have first been emptied into a toilet;
- 40.2.2 Sinks and faucets used for handwashing after the sink is used for rinsing a potty chair;
- 40.2.3 Diapering surfaces, as required in Rule 43.4;
- 40.2.4 Food preparation and eating surfaces such as counters, tables, and high chair trays;
- 40.2.5 Toys mouthed by children;
- 40.2.6 Mops used for cleaning;
- 40.2.7 Bibs; and
- 40.2.8 Thermometers.
- 40.3 A licensee shall ensure that staff wash and disinfect the following equipment items or surfaces at least daily:
- 40.3.1 Toilet and toilet seats;
- 40.3.2 Sinks and faucets;
- 40.3.3 Diaper pails and lids;
- 40.3.4 Drinking fountains;
- 40.3.5 Water table and water play equipment;
- 40.3.6 Play tables;
- 40.3.7 Mats that are not stored separately as specified in Rule 37.2 and
- 40.3.8 Smooth surfaced non-porous floors.

#### **41.0 Handwashing**

- 41.1 A licensee shall ensure that staff and children wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands:
- 41.1.1 Before and after eating or handling food;
- 41.1.2 Before and after giving medications;
- 41.1.3 Before and after caring for a child who may be sick;
- 41.1.4 Before and after using a water play table with other children;
- 41.1.5 After toileting or diapering;
- 41.1.6 After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;
- 41.1.7 After handling animals or their equipment or after coming into contact with an animal's body secretions;
- 41.1.8 After playing in a sandbox;

- 41.1.9 After outdoor play;
  - 41.1.10 After cleaning; and
  - 41.1.11 After taking out the garbage.
- 41.2 A Center shall ensure that staff use disposable rubber or plastic gloves when cleaning surfaces or equipment contaminated with blood or vomit.

## **42.0 Standard Precautions**

- 42.1 A licensee shall employ standard precautions for protection from disease and infection. Spills of body fluids (i.e. urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:
- 42.1.1 For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, tabletops, toys, and diaper-changing tables shall be cleaned with soap and water and disinfected;
  - 42.1.2 For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned with soap and water and disinfected. Non-porous gloves shall be used in these situations;
  - 42.1.3 Staff involved in cleaning contaminated surfaces shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces;
  - 42.1.4 Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie; and
  - 42.1.5 Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

## **43.0 Diapering**

- 43.1 A licensee shall ensure that the diapers and other clothing of children are changed when wet or soiled.
- 43.1.1 The licensee shall have an established procedure for checking diapers at least hourly including visually inspecting children's diapers at least every two (2) hours.
  - 43.1.2 The licensee shall ensure that a supply of clean diapers and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.
  - 43.1.3 Soiled clothing shall be placed in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardians at the end of the day.
- 43.2 A licensee shall ensure that a Center has a diaper changing area with a clean, washable and non-absorbent surface.
- 43.2.1 There shall be a separate hand-washing sink within five (5) feet of the changing area.
  - 43.2.2 The diaper changing area shall not be located in the kitchen area.
  - 43.2.3 Disposable covers for the diaper changing area shall be used for each diaper change.
- 43.3 A licensee shall ensure that used disposable diapers are placed in a foot-activated container that is used exclusively for diapers and lined with a leak-proof or impervious liner.
- 43.3.1 Such diapers shall be removed from the Center daily or more frequently if needed to prevent accumulation of odors, and placed in a closed container that is outside the building and used for trash collection.
  - 43.3.2 The container shall be sanitized daily.
  - 43.3.3 The container shall be within arms reach of the diaper changing area and inaccessible to children.
  - 43.3.4 Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited.
- 43.4 A licensee shall have an established procedure for changing diapers to include at least the following steps:
- 43.4.1 The licensee shall ensure that staff members use a diaper changing area in accordance with Rule 43.2;
  - 43.4.2 The licensee shall ensure that staff members wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth;
  - 43.4.3 The diaper changing area shall be cleaned and sanitized with a disinfectant solution after each use in accordance with Rules 40.1 and 40.2;
  - 43.4.4 The licensee shall ensure that disposable diapers and disposable covers are disposed of in accordance with Rule 43.3;
  - 43.4.5 The licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and placed in a sealed plastic container labeled with the child's name and returned to the child's parent(s)/guardians at the end of the day;
  - 43.4.6 A licensee shall ensure that staff members changing children's diapers wash their hands and the hands of the child with soap and water immediately after each diaper change; and

43.4.7 This procedure shall be posted in the diaper changing area.

#### **44.0 Food Safety**

- 44.1 A licensee shall contact the Division of Public Health prior to opening to determine whether the Center requires a Food Establishment permit.
  - 44.1.1 A licensee of a Center licensed before the effective date of these rules shall have thirty (30) days from the effective date to contact the Division of Public Health to determine whether the Center requires a Food Establishment permit.
  - 44.1.2 A licensee shall provide the Office of Child Care Licensing documentation from the Division of Public Health that states the date the Center contacted the Division of Public Health and shows the designation of Food Establishment permit required or no Food Establishment permit required.
- 44.2 A licensee of a Center that conducts a food operation which does not require a Food Establishment permit shall not change that type of food operation to one which requires a Food Establishment permit, except as approved by the Division of Public Health.
- 44.3 A licensee shall ensure that a kitchen or food preparation area is provided with the necessary operable equipment to prepare, store, serve and clean-up of all meals and snacks for children and staff.
  - 44.3.1 The Center shall have a hand-washing sink in the food preparation area, separate from the sink used for food preparation and dishwashing.
- 44.4 A licensee shall ensure that floors, walls and counter surfaces in which any food comes in contact with are easily cleanable and impervious to water to the level of splash.
- 44.5 A licensee shall ensure that a Center has refrigeration to keep perishable food cold (forty (40) degrees F. or colder).
  - 44.5.1 There shall be a working thermometer in all refrigerators.
  - 44.5.2 A Center where children eat lunches prepared at home shall provide adequate refrigerated storage for such lunches.
- 44.6 A licensee of a Center shall ensure that all single service dinnerware or utensils provided for meals or snacks are discarded immediately after use.
- 44.7 A licensee shall ensure that all food in a Center is clean, wholesome, free from spoilage and adulteration, correctly labeled and safe for human consumption.
- 44.8 A licensee shall ensure that storage areas for food in a Center are cleanable and free of food particles, dust and dirt.
  - 44.8.1 All food items shall be stored in closed or sealed containers which are labeled.
  - 44.8.2 All food items shall be stored off the floor.
  - 44.8.3 Food items shall be stored separately from cleaning materials.
- 44.9 A licensee shall ensure that the kitchen or food preparation area is constructed and supervised to prevent access by children unless staff is conducting a specific educational activity within the kitchen or food preparation area. Staff shall organize and supervise such educational activities to ensure the safety of all children participating.

#### **45.0 Storage of Personal Belongings**

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

#### **46.0 Doors, Windows and Climate Control**

- 46.1 A licensee shall provide insect screening for all exterior doors and operable windows when such doors and windows are used for ventilation, provided that all requirements for fire safety have been met. This screening shall be in good repair.
- 46.2 A licensee shall ensure that unless mechanical ventilation is provided, a Center has window area equal, at a minimum, to four and one-half percent (4 ½%) of the floor area of the Center. Half (1/2) of such window area shall be operable.
- 46.3 A licensee shall ensure that all floor or window fans in a Center are inaccessible to children and bear the safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory).
- 46.4 A licensee shall ensure that all closets and bathrooms are provided with doors that can be readily opened from both sides.

- 46.5 A licensee shall ensure that all heating and cooling equipment is safely shielded to prevent the injury of children.
- 46.5.1 All heating and cooling equipment shall be inspected annually by a heating/air conditioning contractor who verify in writing that the equipment is properly installed, cleaned and maintained to operate efficiently and effectively without emitting harmful chemical or microbiological substances.
- 46.5.2 Portable space heaters shall be prohibited.
- 46.6 A licensee shall take precautions to ensure that heating elements including hot water pipes and radiators are insulated and installed in a manner that ensures the safety of children.
- 46.7 A licensee shall ensure that room temperatures in rooms used by the children are maintained at a minimum temperature of sixty-five (65) degrees F. and a maximum of eighty-five (85) degrees F. at floor level unless there is conflict with Federal and State energy Laws.
- 46.7.1 A Center shall be required to temporarily close if the minimum or maximum room temperatures cannot be maintained.
- 46.8 For a Center licensed after the effective date of these rules, a licensee shall ensure that air conditioning is used in rooms occupied by children to keep rooms comfortable as per Rule 46.7 during the hot weather.

#### **47.0 Outdoor Climate**

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

#### **48.0 Lighting**

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

#### **49.0 Water and Sewage**

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

#### **50.0 Hazardous Finishes and Surfaces**

- 50.1 A licensee shall ensure that the Center not utilize any rough surface or finish where such surface or finish may present a hazard to children in care.
- 50.2 A licensee shall ensure that the Center not have any building components, equipment, furnishing, or decorations surfaced with or containing hazardous materials such as asbestos, deteriorated lead-based paint, or lead-based paint present on accessible, friction or impact surfaces.
- 50.3 A licensee shall maintain evidence that the Center has been tested for and found to be free of lead-based paint hazards when conditions warrant such testing and/or testing is required.

#### **51.0 Emergency Planning**

- 51.1 A licensee shall have a written emergency plan describing procedures for both natural and man-made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat, or terrorist attack.
- 51.1.1 The emergency plan shall include procedures for training staff about disaster preparedness, staff's specific responsibilities during a disaster, accounting for all children and staff, relocation process (if appropriate), and contacting appropriate emergency response agencies and parents/guardians.

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

~~51.2.1 Monthly evacuation drills shall be practiced from all exit locations at varied times of the day and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, the number of children and staff members who participated, and the total amount of time necessary to evacuate the Center.~~

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

~~51.3.1 This plan shall include a list of emergency supplies for the care of children and procedures for feeding children and staff during the extended stay at the Center.~~

## **52.0 Firearms**

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

## **53.0 Pets**

~~53.1 Licensee shall ensure that any pets kept by or located in the Center are certified by a licensed veterinarian as not being carriers of illness that would be a hazard to children, are free from disease and vaccinated as prescribed by law or as recommended by a licensed veterinarian.~~

~~53.1.1 Animals in the Center shall be housed in protected containers and away from food preparation, storage and serving areas and toilet facilities.~~

~~53.1.2 Animals shall be handled by children only under close staff supervision.~~

~~53.1.3 Animals shall be cared for in a safe and sanitary manner.~~

~~53.1.4 Animals such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds (birds of the parrot family), or any other animals that are known to be carriers of illnesses shall not be kept at the Center.~~

## **54.0 First Aid Kits**

54.1 A licensee shall have, in locations readily accessible to staff, but not to children, first aid kits containing, but not limited to the following:

54.1.1 Disposable nonporous gloves;

54.1.2 Scissors;

54.1.3 Tweezers

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

54.1.5 Bandage tape;

54.1.6 Sterile gauze pads;

54.1.7 Flexible roller gauze;

54.1.8 Triangular bandages;

54.1.9 Safety pins;

54.1.10 Eye dressing;

54.1.11 Pen/pencil and note pad;

54.1.12 Instant cold pack;

54.1.13 Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide;

54.1.14 CPR Barrier device;

54.1.15 Small plastic or metal splints; and

54.1.16 Non-medicated adhesive strip bandages, plastic bags for cloths, gauze, and other materials used in handling blood.

54.2 A licensee shall ensure that a first aid kit is taken along with children when on field trips and other group visits outside the Center that contains all items listed in Rule 54.1 and also include:

54.2.1 Water;

54.2.2 Liquid soap;

54.2.3 Any emergency medications needed for a child with special needs; and

54.2.4 List of emergency phone numbers, parents'/guardians' home and work phone numbers, and the Poison Control Center phone number.

## **55.0 Telephones**

- 55.1 A licensee shall ensure that a Center has a working, listed telephone.
- 55.2 A licensee shall post the following emergency telephone numbers by a telephone accessible to all staff:
  - 55.2.1 911: Providing access to ambulance or emergency medical services, police and fire departments;
  - 55.2.2 Poison Control Center; and
  - 55.2.3 Child Abuse Reporting Number.
- 55.3
  - 55.3.1 Telephone numbers where parents/guardians can be reached; and
  - 55.3.2 Telephone numbers of the physicians health care provider designated by parents/guardians;.
- 55.4 A licensee shall ensure that an operating phone is available to make emergency calls while on field trips or any excursion, including walks, outside of the Center.

## **56.0 General Safety Practices**

- 56.1 A licensee shall ensure that all containers of poisonous, toxic, or hazardous materials kept in a Center are prominently and distinctly marked or labeled for easy identification as to contents and used only in such manner and under such conditions as will not contaminate food or constitute a hazard to the children in care or to staff.
  - 56.1.1 The storage of flammable liquids and gases shall not be permitted in the Center except as allowed by the Office of the Fire Marshal.
  - 56.1.2 All poisonous or toxic materials except materials required for routine cleaning and maintenance shall be locked in secure storage spaces and accessible only to authorized staff.
  - 56.1.3 Materials required for routine cleaning and maintenance shall be stored and used in a safe manner.
- 56.2 A licensee shall ensure that porches, and elevated walkways or surfaces in a Center, of more than two (2) feet in height have hazard-free barriers to prevent falls.
- 56.3 A licensee shall ensure that every exit, exit access and exit discharge in a Center are continuously maintained free of obstruction.
- 56.4 A licensee shall ensure that glass door panels and windows within thirty-six (36) inches of the floor have safety guards such as rails or mesh or be of safety-grade glass or polymer and equipped with a vision strip.
- 56.5 A licensee shall utilize approved products and procedures to ensure that the Center is protected from insect infestation and the products and procedures do not present a hazard to children.
- 56.6 A licensee shall ensure that all buildings used by a Center are rodent free.
- 56.7 A licensee shall ensure that children in care of a Center not swim in areas posted as being unsafe. An individual with current water safety instructor training or senior lifesaving training from the American Red Cross or its equivalent shall be on duty when the children in care are swimming.
  - 56.7.1 In-grounds pools shall comply with the Division of Public Health requirements concerning swimming and wading pools.
  - 56.7.2 Portable wading pools shall be prohibited.
  - 56.7.3 Permanent or built-in swimming and wading pools that are left filled when not in use shall be inaccessible to children when not being used by the children.
- 56.8 A licensee shall ensure that stairways, inside and outside, over four (4) steps, have handrails at a maximum height of thirty-eight (38) inches.
- 56.9 A licensee shall ensure that approved safety gates at stairways are provided if infants and toddlers are in care and are placed in the areas where the infants and toddlers are located within the Center.
  - 56.9.1 Gates shall have latching devices that adults, but not children, can open easily in an emergency.
  - 56.9.2 Pressure or accordion gates shall not be used.
- 56.10 A licensee shall ensure that a Center has child-proof receptacle covers for all electrical outlets not in use and accessible to children or has electrical outlets that are of the child-resistant ground-fault circuit interrupter (GCFI) type.

## **57.0 Transportation**

- 57.1 A licensee of a Center which provides transportation for children shall ensure that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable Federal, State and local laws.
  - 57.1.1 The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

- 57.1.2 A vehicle with a rated capacity, as defined by the manufacturer, to carry more than ten (10) passengers in addition to the driver and was newly purchased or newly leased after July 1, 1998 shall meet State and Federal specifications and safety standards applicable to school buses.
- 57.2 A licensee shall ensure that each child is secured in an individual safety restraint system appropriate to the age, weight and height of the child at all times while the vehicle, other than a school bus, is in motion. All safety restraints shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used in accordance with the manufacturer's and vehicle's instruction and maintained in a safe working condition and free of any recall. A child preschool age or younger shall be only transported on a school bus that is properly equipped for child safety restraints unless written permission is received from the parent(s)/guardian(s) of that child allowing the child to be transported on a school bus unrestrained. The Center shall explain to parent(s)/guardian(s) in the Center's written transportation policy that while child safety restraints on school buses for children preschool age or younger are not currently required by State Law, the National Highway Traffic Safety Administration recommends that children in this age group always be transported in school buses properly equipped for child restraints.
- 57.3 A licensee shall develop a written transportation policy that includes:
- 57.3.1 How and where the children shall be transported;
  - 57.3.2 Safe driver criteria such as needing a valid driver's license and having a safe driving record; and
  - 57.3.3 Physical conditions that would impair the ability to drive wherein a driver shall not operate a vehicle.
- 57.4 A licensee shall inform parents/guardians of the Center's transportation policy and obtain written permission from parents/guardians for any transportation provided by the Center. This permission shall specify any special need or problem of the a child which might require special attention during transportation. The operator or attendant of the vehicle shall be given a copy of this information with directions on handling any special need or problem. This permission shall also identify who is operating each vehicle.
- 57.5 A licensee shall ensure that any operator of a vehicle transporting children for a Center is at least twenty-one (21) years of age.
- 57.5.1 The operator shall have a valid driver's license that authorizes the driver to operate the vehicle being driven.
- 57.6 A licensee shall ensure that an operable phone is in all vehicles transporting children.
- 57.7 A licensee shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.
- 57.8 A licensee shall ensure that children are never left unattended in a vehicle used by the Center to transport children.
- 57.9 A licensee shall not transport children in the open back of a truck.
- 57.10 A licensee shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.
- 57.11 A licensee shall ensure that a vehicle used to transport children has an operable heater capable of maintaining a temperature of at least fifty (50) degrees F. in the vehicle.
- 57.12 A licensee shall ensure that a vehicle is air conditioned when the vehicle's interior temperature exceeds eighty-five (85) degrees F. and providing fresh air through open windows cannot reduce the temperature.
- 57.13 A licensee shall ensure that each vehicle used to transport children is equipped with an operable dry chemical fire extinguisher approved by the Underwriter's Laboratory.

## **58.0 Field Trips**

- 58.1 A licensee shall provide staff or adult supervision of children during trips off the Center's premises to ensure safety.
- 58.1.1 Parents/guardians volunteering to accompany the children shall be allowed to count toward the staff/child ratios for field trip or routine program outing purposes only if not accompanied by other children of any age who are not enrolled at the Center.
  - 58.1.2 Volunteering parents/guardians shall be supervised by a staff member who is at least an Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant at all times and not be alone with the children at any time including the transportation of children.
- 58.2 A licensee shall ensure that during routine program outings that do not require the use of vehicles and are in close proximity to the Center, a licensee maintains staff/child ratios in accordance with Rule 29.1 with a minimum of two (2) staff members present at all times.
- 58.3 A licensee shall ensure that during field trips that require the use of vehicles, the staff/child ratios are according to the table below:

**~~Age of Youngest Child in Group~~ ~~Maximum Number of Children to be Supervised By At Least One (1) Early Childhood Assistant Teacher, Early Childhood Caregiver or School-Age Site Assistant~~**

<del>Less than 2 years</del>	<del>2</del>
<del>2 years through 4 years</del>	<del>4</del>
<del>5 years and older</del>	<del>8</del>

- ~~58.3.1 Staff shall have a list of the children present and check the roll frequently to ensure all children are accounted for at all times.~~
- ~~58.3.2 Staff shall have access to medical consent forms and emergency contact information for all children.~~
- ~~58.3.3 Staff shall have a traveling first aid kit available in accordance with Rule 54.2.~~
- ~~58.3.4 Children shall have tags or other means of providing the Center's telephone number.~~
- ~~58.3.5 Staff shall have a plan for transportation of children in the event of an emergency.~~
- ~~58.3.6 Staff shall document that a roll check was conducted both before departing from the field trip site and again when returning to the Center.~~
- ~~58.4 A licensee shall ensure that staff and/or volunteering parents/guardians comply with Transportation Rule 57.0 when transporting children on field trips.~~

**Health Care**

**59.0 Health Consultation**

- ~~59.1 A licensee shall have specific arrangements with a health care provider who will agree to provide consultation on both routine and emergency health care for children.~~
  - ~~59.1.1 The above rule shall be excepted when the licensee employs a Registered Nurse licensed in Delaware to provide health services or arrangements have been made with a certified child care health consultant who is also a Registered Nurse licensed in Delaware.~~

**60.0 Health Care Plan**

- ~~60.1 A licensee shall have a written plan for the routine and emergency health care of children including procedures to be followed in case of illness and plans for accessing emergency services. Each staff member shall receive a copy of this plan and be trained in its implementation during staff orientation. Parents/guardians shall be given a copy of this plan at the time of enrollment. The plan shall be approved by the health care provider or certified child care health consultant who is also a Registered Nurse licensed in Delaware and include:~~
  - ~~60.1.1 Procedures to be followed in case of illness or emergency, including method of transportation and notification of parents/guardians;~~
  - ~~60.1.2 Procedures to be followed in case of illness or emergency, when parents/guardians cannot be reached;~~
  - ~~60.1.3 The Center's policy regarding the administration of medication; and~~
  - ~~60.1.4 A plan for the management of communicable disease including the following:~~
    - ~~60.1.4.1 The list of symptoms of illness for which a child will be excluded from the Center or separated from the group if symptoms occur after the child has been admitted for the day as specified in Rule 63.1;~~
    - ~~60.1.4.2 The list of reportable communicable diseases for which a child will not be admitted to the Center without a written statement from a health care provider as specified in Rule 63.2; and~~
    - ~~60.1.4.3 Assurance that the parent(s)/guardian(s) whose child may have been exposed to a reportable communicable disease shall receive written notice of the outbreak of such disease at the Center.~~

**61.0 Health Appraisal**

- ~~61.1 A licensee shall ensure that within one (1) month following admission, the licensee has on file an age-appropriate health appraisal conducted within the last twelve (12) months prior to admission for each child in attendance unless required by Law to be admitted without a health appraisal such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.~~

Health appraisals shall be certified by a health care provider and updated yearly or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

- 61.1.1 A health history;
- 61.1.2 A physical examination;
- 61.1.3 Growth and development;
- 61.1.4 Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or care;
- 61.1.5 Medical information pertinent to treatment in case of emergency;
- 61.1.6 Documentation of the results of any recommended or required screening or testing such as for blood lead or tuberculosis; and
- 61.1.7 Documentation of the immunization status, with a listing of day, month and year of administration for each immunization required by the Division of Public Health as specified in the Appendix, Recommended Childhood and Adolescent Immunization Schedules. For current information, the licensee shall contact the Division of Public Health or refer to the CDC website <http://www.cdc.gov/nip/recs/child-schedule.htm>.
  - 61.1.7.1 The licensee shall not permit a child to be admitted to the Center without written documentation from a health care provider or Division of Public Health that the child who is not age appropriately vaccinated according to the most recent directive from the Division of Public Health unless required by Law to be admitted without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.
  - 61.1.7.2 If a child has not received immunizations as required for the child's age, the licensee shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Early Childhood or School-Age Administrator within fourteen (14) days of the child's admission or as required by Law such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.
  - 61.1.7.3 If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Center until the immunizations have been obtained and written documentation of such has been submitted to the Early Childhood or School-Age Administrator.
- 61.2 A licensee shall ensure that for school-age children, a copy of the health appraisal required by the child's school is also on file at the Center.
- 61.3 A licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis or whose health care provider certifies that such immunization may be detrimental to the child's health will be exempt from the immunization requirement provided that the parent(s)/guardian(s) submits to the Early Childhood or School-Age Administrator a notarized statement explaining the exemption is in compliance with State Law.

## **62.0 Health Observation on Arrival**

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

## **63.0 Health Exclusion**

- 63.1 A licensee shall not permit a child who has symptoms of illness specified below to be admitted to the Center or remain at the Center unless written documentation from a health care provider, or verbal with written follow up, states the child has been diagnosed and poses no serious health risk to the child or to other children. The symptoms of illness for possible exclusion shall include, but not be limited to any of the following:
  - 63.1.1 Temperature: infants four (4) months old and younger, equivalent to 100 degrees or greater even if there has not been a change in behavior;
  - 63.1.2 Temperature: children older than four (4) months, equivalent to 101 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness – until medical evaluation indicates inclusion in the facility. Oral temperature shall not be taken on children younger than four (4) years (or younger than three (3) years if a digital thermometer is used). Rectal temperature shall be taken only by a licensed health care professional;
  - 63.1.3 Symptoms and signs of possible severe illness (such as unusual lethargy, uncontrolled coughing, inexplicable irritability, persistent crying, difficult breathing, wheezing, or other unusual signs) – until medical evaluation allows inclusion;

- 63.1.4 ~~Uncontrolled diarrhea, that is, increased number of stools, increased stool water, and/or decreased form that is not contained by the diaper—until diarrhea stops;~~
- 63.1.5 ~~Blood in stools not explainable by dietary change, medication, or hard stools;~~
- 63.1.6 ~~Vomiting illness (two (2) or more episodes of vomiting in the previous twenty-four (24) hours) until vomiting resolves or until a health care provider determines the cause of the vomiting is not contagious and the child is not in danger of dehydration;~~
- 63.1.7 ~~Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;~~
- 63.1.8 ~~Mouth sores with drooling, unless a health care provider determines that condition is noninfectious;~~
- 63.1.9 ~~Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;~~
- 63.1.10 ~~Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until after twenty-four (24) hours after antibiotic treatment has been initiated;~~
- 63.1.11 ~~Scabies, until twenty-four (24) hours after treatment has been initiated;~~
- 63.1.12 ~~Pediculosis (head lice), until twenty-four (24) hours after treatment has been initiated;~~
- 63.1.13 ~~Tuberculosis, until a health care provider states that the child is on appropriate therapy and can attend care;~~
- 63.1.14 ~~Impetigo, until twenty-four (24) hours after treatment has been initiated;~~
- 63.1.15 ~~Strep throat or other streptococcal infection, until twenty-four (24) hours after initial antibiotic treatment and cessation of fever;~~
- 63.1.16 ~~Varicella-Zoster (Chicken pox), until all sores have dried and crusted (usually six (6) days);~~
- 63.1.17 ~~Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;~~
- 63.1.18 ~~Pertussis, until five (5) days of antibiotic treatment;~~
- 63.1.19 ~~Mumps, until nine (9) days after onset of parotid gland swelling;~~
- 63.1.20 ~~Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health department when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;~~
- 63.1.21 ~~Measles, until five (5) days after onset of rash;~~
- 63.1.22 ~~Rubella, until six (6) days after onset of rash;~~
- 63.1.23 ~~Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or~~
- 63.1.24 ~~Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater care than can be provided without comprising the health and safety of other children.~~
- 63.2 ~~A licensee shall ensure that the child may return to the Center when the symptoms are no longer present or a health care provider indicates the child poses no serious health risk to the child or to other children.~~
- 63.3 ~~A licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health, to be admitted to or remain at the Center, unless:~~
  - 63.3.1 ~~Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the child or to others;~~
  - 63.3.2 ~~The licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others.; or~~
  - 63.3.3 ~~If there is conflict in the opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the licensee shall follow the instructions of the Division of Public Health.~~
- 63.4 ~~A licensee shall report any reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable diseases and reporting procedures, the licensee shall contact the Division of Public Health or refer to the website—<http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.~~
- 63.5 ~~A licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the Center in accordance with Division of Public Health procedures.~~
- 63.6 ~~A licensee shall ensure that if a child who has already been admitted to a Center manifests any of the illnesses or symptoms specified in Rules 63.1 and 36.2 above, the licensee will remove the child from the group of well children to a separate area as specified in Rule 38.1 until:~~
  - 63.6.1 ~~The child can be picked up by the parent(s)/guardian(s) or suitably cared for elsewhere; or~~

~~63.6.2 A health care provider indicates verbally or in writing that the illness/symptoms pose(s) no serious health risk to the child or to other children.~~

~~63.7 A licensee shall ensure that while a child is cared for in the separate room/area, the child is supervised and the child's individual needs for rest, comfort, food, drink and activity are met.~~

#### **64.0 Administration of Medication**

~~64.1 A licensee shall ensure that only trained staff members authorized in accordance with State Law, or health care providers, nurses or other qualified medical health personnel administer medication to children in a Center.~~

~~64.2 A licensee shall ensure that medication is not administered to a child by a trained staff member unless the licensee has received written permission from the child's parent(s)/guardian(s) for each medication to be administered.~~

~~64.3 A licensee shall ensure that the parent(s)/guardian(s) of a child provide the following information for each medication given:~~

~~64.3.1 The name of the child;~~

~~64.3.2 The child's date of birth;~~

~~64.3.3 Medication allergies;~~

~~64.3.4 Doctor's name and phone number;~~

~~64.3.5 Pharmacy and phone number;~~

~~64.3.6 Name of medication;~~

~~64.3.7 Dosage (amount given);~~

~~64.3.8 Time (when given);~~

~~64.3.9 Route of administration (oral; eye, nose or throat drops; topical; or vaginal or rectal suppositories);~~

~~64.3.10 Expiration date;~~

~~64.3.11 Start date;~~

~~64.3.12 End date;~~

~~64.3.13 Reason for medication; and~~

~~64.3.14 Any special directions.~~

~~64.4 A licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.~~

~~64.4.1 Medication shall only be given to the child whose name appears on the prescription.~~

~~64.5 A licensee shall ensure that all non-prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.~~

~~64.5.1 Any deviations from the label instructions shall be in writing from the child's health care provider.~~

~~64.6 A licensee shall not allow the administration of prescription or non-prescription medication that has expired and will immediately contact the parent/guardian of a child whose medication has expired to inform that parent/guardian of the situation.~~

~~64.7 A licensee shall ensure that all medication in the Center is stored so as to be secure and inaccessible to children.~~

~~64.7.1 Medication requiring refrigeration shall be kept in closed containers separate from food.~~

~~64.8 A licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by a the child.~~

~~64.9 A licensee shall keep a record of the administration of medication to children including medication dosage, time administered, by whom administered, and any adverse effects observed.~~

~~64.10 A licensee shall ensure that when a child is receiving medication, the trained staff members note in the records of that child and advise the parent(s)/guardian(s) of the occurrence of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.~~

#### **65.0 Child Accident and Injury**

~~65.1 A licensee shall ensure that when an accident or injury occurs to a child during the hours of care, that the Center's staff take the emergency action to protect the child from further harm and notify the child's parent(s)/guardian(s).~~

~~65.1.1 The licensee shall maintain an injury report for each incident in the child's file or a central log for the Center and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or~~

outpatient treatment as required in Rule 15.3.2 and 15.3.3. An injury report or central log entry shall include name of child, date, description of injury, how it occurred and first aid or medical care required.

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

## **66.0 Adult Health**

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

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

## **67.0 Food and Nutrition**

### **67.1 General**

67.1.1 A licensee shall have a written policy concerning food service including:

67.1.1.1 A description of all food services provided;

67.1.1.2 Times of snacks and meals;

67.1.1.3 Procedures related to food allergies, religious dietary requirements and other special needs;

67.1.1.4 If applicable, nutritional information and guidelines concerning the content of meals to be provided by parents/guardians;

67.1.1.5 If applicable, procedures to prevent spoilage of food brought from home;

67.1.1.6 If applicable, a procedure to be followed by Center staff if food brought from home fails to meet nutritional requirements as specified by Rules 67.2.1–67.2.3; and

67.1.1.7 This policy shall be provided to all parents/guardians at enrollment.

67.1.2 A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage and clean-up and adhere to the Center's policy on food service.

67.1.2.1 Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the Center's program or supervision of children while performing food service activities.

67.1.3 A licensee shall ensure that the Center has an annual review of a two (2) week menu sample by the Office of Child Care Licensing. Consultation and technical assistance shall be used as needed to correct any problem(s) identified by this annual review and/or during licensing or complaint investigations.

67.1.4 A licensee shall ensure that menus are planned in advance, are dated and are posted in a prominent place. Menus noting actual food served shall be retained by the Center for thirty (30) days. Any changes made in actual food served on a particular date are to shall be documented on the menu for on or before that date.

67.1.4.1 A supply of food and water shall be kept in stock for emergency situations that require an extended stay at the Center or cause a power outage. Non-perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.

67.1.5 A licensee shall ensure that meals and snacks are provided by a Center except when one (1) of the following circumstances occur:

67.1.5.1 A written statement has been signed by a parent/guardian and kept on file indicating that the parent/guardian has chosen to provide food for the child;

67.1.5.2 The licensee makes it known to all parents/guardians at the time of application for enrollment that meals are to be provided by parents/guardians and informs parents/guardians of the importance of sending meals that meet the nutritional requirements as specified in Rules 67.2.1–67.2.3 and the Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal Pattern Requirement for Children; or

67.1.5.3 The Center has a field trip or a specific activity requiring special meal arrangements.

67.1.6 A licensee shall ensure that nutritious and appropriately-timed meals and snacks meeting nutritional requirements are served in accordance with the following schedule which indicates number of hours child is present at the Center:

- 67.1.6.1 ~~2 hours – 4 hours — 1 snack;~~
- 67.1.6.2 ~~4 hours – 6 hours — 1 meal and 1 snack;~~
- 67.1.6.3 ~~7 hours – 11 hours — 2 meals and 1 snack/or 2 snacks and 1 meal based on time of child's arrival;  
or~~
- 67.1.6.4 ~~12 hours or more — 3 meals and 2 snacks.~~

67.1.7 ~~A licensee shall ensure that meals and snacks are provided in accordance to the current USDA/Child and Adult Care Food Program meal pattern requirements which are adjusted accordingly by the age of the infant and child as specified in Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal Pattern Requirement for Children.~~

- 67.1.7.1 ~~The licensee shall have supplemental foods from all basic food groups to serve children if meals provided by parents/guardians fail to meet nutritional requirements as specified in Rules 67.2.1–67.2.3.~~

67.1.8 ~~A licensee shall provide food based on the basic food groups as follows:~~

- 67.1.8.1 ~~Milk: fluid pasteurized cow's milk;~~
  - 67.1.8.1.1 ~~Children one (1) year to two (2) years shall have whole pasteurized cow's milk when not on formula or breast milk;~~
- 67.1.8.2 ~~Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;~~
- 67.1.8.3 ~~Fruits and vegetables: include a variety of fresh vegetables and fruits; and~~
- 67.1.8.4 ~~Grains: Whole grain and enriched products such as breads, cereals, pastas, crackers and rice.~~

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

67.1.10 ~~A licensee shall ensure that children are encouraged but not forced to eat.~~

67.1.11 ~~A licensee shall provide for the introduction of a variety of food textures and, finger foods and a cup in the training of self-feeding and nutrition education.~~

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

67.1.13 ~~A licensee shall ensure that special, therapeutic diets are served by Center staff only upon written instructions by a health care provider.~~

67.1.14 ~~A licensee shall ensure that if the parent(s)/guardian(s) requests any modification of basic meal patterns (see Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal Pattern Requirement for Children) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Center with written documentation from the child's health care provider permitting the modification.~~

67.1.15 ~~A licensee shall ensure that if the parent(s)/guardian(s) requests any modification of basic meal patterns (see Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal Pattern Requirement for Children) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Center with written documentation specifying which foods are unacceptable and the food substitutions allowed within the same food group.~~

67.1.16 ~~A licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast-fed, including allowing the mother to breastfeed her child at a designated place at the Center.~~

67.1.17 ~~A licensee shall ensure that each individual child has his or her own utensils fork, spoon, knife, dish, cup, or bottle as appropriate to the age of the child to eat with or be feed with. Such equipment shall not be shared with another child during feeding.~~

## 67.2 ~~Toddlers And Older Children~~

67.2.1 ~~A licensee shall ensure that a breakfast served has at least one (1) item each from the milk (A), fruits and vegetables (C) and grain (D) food groups as described in Rule 67.1.8.~~

67.2.2 ~~A licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (A), protein (B) and grain (D) food groups and two (2) items from the fruit and vegetable (C) food groups as described in Rule 67.1.8.~~

67.2.3 ~~A licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in Rule 67.1.8~~

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

- 67.2.3.2 ~~If milk or fruit juice is not included with a snack, water shall also be served with that snack.~~

67.2.4 A licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, teach and encourage the use of a cup.

### 67.3 Infants-

67.3.1 A licensee shall provide meals for infants according to the following guidelines except as noted following the procedures of Rules 67.1.14 and 67.1.15:

67.3.1.1 A written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant at least on a monthly basis or as needed;

67.3.1.1.1 Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;

67.3.1.2 Foods shall be served on demand or during a span of time consistent with the infant's eating habits;

67.3.1.3 Introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission. New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;

67.3.1.4 For infants four (4) to seven (7) months of age, semi-solid foods may be introduced as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;

67.3.1.5 Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption;

67.3.1.6 Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served;

67.3.1.7 Bottles and nipples maintained by Center staff shall be washed and sanitized before use;

67.3.1.8 Formula provided by parents/guardians or by the Center shall come in a factory-sealed container;

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

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

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

67.3.1.12 Breast milk shall be fed only to that mother's own infant;

67.3.1.13 Frozen breast milk shall be thawed under running cold water or in the refrigerator;

67.3.1.14 Bottles of formula or breast milk and infant foods shall not be warmed or thawed in a microwave oven;

67.3.1.15 Bottles and infant foods shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

67.3.1.16 Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;

67.3.1.17 Refrigerated, unused, prepared formula shall be discarded after forty-eight (48) hours;

67.3.1.18 Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been un-refrigerated for more than one (1) hour;

67.3.1.19 Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty-eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F;

67.3.1.20 Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty-four (24) hours;

67.3.1.21 An infant too young to use a feeding chair or other age appropriate seating apparatus shall be held when fed;

67.1.3.22 The same staff person shall feed a specific infant for most of that infant's feedings;

67.1.3.23 An infant shall be held for bottle-feeding;

67.1.3.24 A staff person shall not bottle feed more than one (1) infant at a time;

67.1.3.25 At no time shall an infant be placed in his or her crib with a bottle for feeding or a bottle be propped for feeding an infant;

67.1.3.26 Juices shall not be offered to infants until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay;

- 67.1.3.27 ~~Center staff shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup; and~~
- 67.1.3.28 ~~A daily written record of each infant's nutritional intake shall be maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Center.~~

### **Early Care And Education**

#### **68.0 Behavior Management**

- 68.1 ~~A licensee shall~~
- 68.1.1 ~~have a written statement in plain language regarding the positive behavior management of children. The statement on positive behavior management shall be posted in a prominent place in the Center and routinely provided to parents/guardians and staff.~~
- 68.2 ~~A licensee shall ensure that all staff use positive developmentally appropriate methods of behavior management of children which encourage self control, self direction, positive self-esteem, social responsibility and cooperation.~~
- 68.2.1 ~~Prevention of behavioral problems shall be emphasized. Prevention strategies shall include providing appropriate, educationally valuable materials and activities in an organized, stimulating environment, and setting realistic expectations for young children when planning the program.~~
- 68.2.2 ~~Staff shall praise and encourage children for positive behavior and redirect or guide inappropriate behavior into more positive actions, rather than relying on punishment.~~
- 68.2.3 ~~Responses to a child's behavior shall be appropriate to the child's level of development and understanding.~~
- 68.2.4 ~~"Time-out", if used, shall be employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of behavior management. "Time-out" shall be limited to brief periods no more than one (1) minute for each year of a child's age. Before using "time-out", the staff member shall discuss the reason for the "time-out" in language appropriate to the child's level of development and understanding.~~
- 68.2.4.1 ~~The first step for "time-out" shall be to remove the child from the group but keep the child within eyesight of the group that continues to participate in the activity. If this step is ineffective, the child may be removed from the room so that he/she is unable to participate, observe or hear the activity. A child removed from the group or room shall remain under visual supervision at all times. Children shall never be left unattended behind closed doors.~~
- 68.2.4.2 ~~"Time-out" shall be in an area that comfortably accommodates the child. "Time-out" shall be seen as a positive opportunity for the child to regroup and focus on appropriate behavior. Before rejoining the group or returning to the room, staff shall talk to the child about alternatives to the inappropriate behavior in a way that shows faith in the child's ability to make more positive decisions in the future.~~
- 68.2.5 ~~Corporal punishment inflicted in any way on a child's body including shaking, hair pulling, biting, pinching, slapping or spanking shall be prohibited.~~
- 68.2.6 ~~Children shall not be yelled at, humiliated, frightened or verbally, physically or sexually abused by staff.~~
- 68.2.7 ~~Disparaging comments about a child's appearance, ability, ethnicity, family and other personal characteristics shall be prohibited.~~
- 68.2.8 ~~Children shall not be deprived of food or toilet use as a consequence of inappropriate behavior.~~
- 68.2.9 ~~Children shall not be tied, taped, chained or caged or placed in mechanical restraints as a consequence of inappropriate behavior.~~
- 68.2.10 ~~No punitive action shall be taken with children for not going to sleep, toileting accidents, failure to eat all or part of food or failure to complete a prescribed activity.~~
- 68.2.11 ~~The Center shall consult with professionals and with the parent(s)/guardian(s) to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need(s), including a behavioral and/or emotional disability.~~
- 68.3 ~~A licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to other staff members and parent(s)/guardian(s) while at the Center.~~

#### **69.0 Enrollment**

- 69.1 A licensee shall ensure that the daily population at the Center is in accordance with any capacity restrictions on the Center's license.
- 69.2 A licensee shall provide any parent(s)/guardian(s) who is inquiring about or planning to enroll a child into the Center with information detailing his or her right to inspect the active record and complaint files of the Center. As a part of the enrollment or application process, the licensee shall require the parent(s)/guardian(s) to read and sign *The Parents Right to Know Act* form and keep the signed document on file at the Center.
  - 69.2.1 A copy of the signed document shall be given to the parent(s)/guardian(s).
  - 69.2.2 In the event that the parent(s)/guardian(s) do not enroll the child, the signed document shall be kept on file as proof of presenting the information.
- 69.3 A licensee shall ensure that a child not attends the Center without first obtaining the following information from the parent(s)/guardian(s):
  - 69.3.1 Child's first and last name;
  - 69.3.2 Child's birth date;
  - 69.3.3 Child's home address;
  - 69.3.4 Child's home phone number;
  - 69.3.5 Parent(s)/guardian(s)' name(s);
  - 69.3.6 Parent(s)/guardian(s)' place(s) and hours of employment;
  - 69.3.7 Parent(s)/guardian(s)' work phone number(s);
  - 69.3.8 Name(s) of person(s) other than parent(s)/guardian(s) to be notified in an emergency situation when parent(s)/guardian(s) can not be contacted;
  - 69.3.9 Name(s) of other person(s) other than parent(s)/guardian(s) to whom child may be released;
  - 69.3.10 Permission for child's emergency medical care;
  - 69.3.11 Child's medications, if applicable;
  - 69.3.12 Child's medical or food allergies; and
  - 69.3.13 Name and phone number of the child's health care provider.
- 69.4 A licensee shall ensure that enrollment procedures involve a meeting with the parent(s)/guardian(s) and the child to:
  - 69.4.1 Determine if the Center's program can effectively meet the child's developmental and educational needs, and what accommodations or other planning may be needed to do so; and
  - 69.1.2 Provide an opportunity for the parent(s)/guardian(s) and child to observe the Center and program.

## **70.0 Transitions**

- 70.1 A licensee shall ensure that staff work with the parent(s)/guardian(s) to create and utilize a positive transition plan when admitting a new child into the Center using such procedures as the exchange of pertinent information concerning the child, phased-in entry to the program and the assignment of a primary staff member especially for an infant or toddler.
- 70.2 A licensee shall ensure that staff create and utilize a positive transition plan when a child is moved from a particular group or room due to a child's age change or reassignment of staff members using such procedures as the exchange of pertinent information concerning the child, and phased-in entry to a new room, group, and/or with a newly assigned staff member(s).

## **71.0 Parents/guardians Communication**

- 71.1 A licensee shall have an organized system of communicating with parent(s)/guardian(s) in a respectful manner that incorporates the use of a written policy regarding parent(s)/guardian(s) communication including strategies to ensure parent(s)/guardian(s) involvement in the Center as follows:
  - 71.1.1 Assurances that parent(s)/guardian(s)' visits and monitoring of the program are welcomed;
  - 71.1.2 Assurances of nondiscrimination and respect for each child's family and culture;
  - 71.1.3 Assurances that parent(s)/guardian(s) are of primary importance in children's development
  - 71.1.4 Procedures for learning about parent(s)/guardians preferences and goals and any concerns or special circumstances that may influence the child's development and learning;
  - 71.1.5 Procedures for ensuring that parent(s)/guardian(s) are kept regularly informed concerning the program and their children's developmental and educational progress;
  - 71.1.6 Information about procedures used by the Center to assess children's accomplishments and needs and, when there are concerns, to refer parent(s)/guardian(s) for additional help in the community;

- ~~71.1.7 Multiple opportunities for involvement of all parent(s)/guardian(s) that includes an awareness of the diversity of families enrolled especially concerning cultural and language differences and the ability for parent(s)/guardian(s) to participate communicating in their native language whenever possible;~~
- ~~71.1.8 Specific strategies to encourage the involvement of parent(s)/guardian(s) that have the tendency not to be involved with the Center;~~
- ~~71.1.9 A procedure for informing parent(s)/guardians of the identities of the governing body members;~~
- ~~71.1.10 Procedures for a minimum of one (1) conference annually between Center staff and parent(s)/guardian(s);~~
- ~~71.1.11 A procedure encouraging parent(s)/guardian(s) to review current licensing rules made available at the Center;~~
- ~~71.1.12 A procedure for making and handling complaints from parent(s)/guardian(s) regarding the Center;~~
- ~~71.1.13 A statement of the Center's developmental and educational goals for all children;~~
- ~~71.1.14 A typical daily schedule of the Center's programs and activities;~~
- ~~71.1.15 A written explanation of the Center's policy on positive behavior management;~~
- ~~71.1.16 A copy of the Center's policy on nutrition and food service;~~
- ~~71.1.17 A written explanation of the Center's policy on safety and sanitation;~~
- ~~71.1.18 A written explanation of the Center's policy on transporting children, if applicable;~~
- ~~71.1.19 Procedures related to release of children.;~~
- ~~71.1.20 A copy of the Center's routine and emergency health care plan including health exclusions and administration of medication;~~
- ~~71.1.21 Procedures to regularly report any accidents or critical incidents involving the child and any other important information relating to the child;~~
- ~~71.1.22 A written explanation of the mandatory reporting of child abuse and neglect; and~~
- ~~71.1.23 Written notice of an outbreak of a communicable disease.~~
- 71.2 A licensee shall ensure that this policy is provided to parent(s)/guardian(s) at enrollment.
- 71.3 A licensee shall ensure that parent(s)/guardian(s) have access to the Center to observe their children in care at any time without prior approval of the Center.
- 71.4 A licensee shall not disclose or permit the use of any information pertaining to an individual child or family gained through the Center's records, files, videotaping, tape recording, photographing, assessments or any type of documentation unless a parent/guardian has granted written permission to do so, except in the course of performance of official duties and to employees or representatives of the Office of Child Care Licensing, Division of Family Services or other entities with statutory responsibilities for issues relating to the health, safety and protection of children.

## **72.0 Program Goals and Planning**

- 72.1 A licensee shall develop written goals for children's development and education. Goals shall include areas of physical, social, emotional, language/literacy, and cognitive development and be appropriate to the ages and developmental levels of the children in attendance at the Center. The goals shall reflect what the Center hopes to accomplish through its program of activities.
- 72.2 A licensee shall have a written plan of developmentally appropriate activities designed to help all children reach the goals described in Rule 72.1. The activity plan shall be current and accessible to parents/guardians and staff. The activity plan shall include at least one (1) daily activity for each goal specified in Rule 72.1. Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be identified. The plan shall reflect that the children have the choice to participate in at least four (4) activities each day. The time allotted for such activities shall constitute at least one-third (1/3) of the time the child is in attendance for a particular day.
  - 72.2.1 Activities shall be varied, developmentally appropriate, may be related to themes, culturally meaningful and educationally valuable and promote the development of language, literacy, reasoning and problem-solving skills, understanding of numbers and other mathematical and scientific concepts, large and small muscles skills, social skills, understanding and self-regulation of emotions, self-esteem and positive self-image, as appropriate to the ages and developmental levels of children in care. Adaptations of activities shall be made for children with disabilities to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans.
  - 72.2.2 Activity plans shall also be based on best practices and accepted research in the field of early care and education and in alignment with principles of foundations of learning and development as set forth by the Delaware and/or United States Department of Education.

- 72.2.3 ~~Delaware Early Learning Foundations for School Success~~ regarding preschoolers is on the Delaware Department of Education website at [http://www.doe.k12.de.us/early\\_childhood/Standards/preschool.htm](http://www.doe.k12.de.us/early_childhood/Standards/preschool.htm)
- 72.2.4 ~~Delaware Infant and Toddler Early Learning Foundations: A Curriculum Framework~~ regarding infants and toddlers is on the Delaware Department of Education website at [http://www.doe.k12.de.us/early\\_childhood/Standards/InfantToddlerFoundationStandards.pdf](http://www.doe.k12.de.us/early_childhood/Standards/InfantToddlerFoundationStandards.pdf)
- 72.3 A licensee shall ensure that activities and materials reflect children's cultures, and communities, including both familiar and new materials, pictures, and experiences. Staff shall consult with parents/guardians about care practices specific to their children's culture and community, and provide as much consistency as possible in their direct child care practices especially concerning infants and toddlers.
- 72.4 A licensee shall ensure that adaptations and accommodations be made in activities, adult-child interactions, teaching strategies, and materials or equipment when needed to support the positive development of all children including those with disabilities.
- 72.5 A licensee shall ensure that the program in a Center provides physical care routines appropriate to each child's developmental needs.
- 72.5.1 A licensee shall provide opportunities for rest/sleep for each child in attendance according to the child's individual physical needs.
- 72.5.2 An alternative quiet activity shall be provided for those children who have rested or slept for thirty (30) minutes and do not appear to need or want additional rest or sleep.
- 72.5.3 The rest area(s) shall be lighted enough to allow for visual supervision at all times.
- 72.6 A licensee shall develop and follow a schedule for each group of children posted for easy reference by parents/guardians and staff. The schedule shall show blocks of time usually assigned to types of activities and include periods for both active play and quiet play or rest. Blocks of time shall show activities that are scheduled for indoor and outdoor areas. The schedule shall reflect daily opportunities for both free-choice and staff-directed activities.
- 72.7 A licensee shall ensure that for toddlers and older, indoor physical space is organized into activity areas. An activity area shall be an identifiable space that is accessible to children and where related equipment and materials are kept in an orderly fashion. Activity areas shall include the following and involve activities available on a daily basis:
- 72.7.1 Language and literacy area (including books and writing materials);
- 72.7.2 Dramatic play area;
- 72.7.3 Construction/block area (unit blocks and accessories);
- 72.7.4 Creative arts area (drawing materials, clay or play dough); and
- 72.7.5 Manipulative/mathematics/problem solving area (including puzzles, small construction toys, objects to sort).
- 72.8 A licensee shall ensure that for toddlers and older, other activity areas include the following and involve activities available at least once a week:
- 72.8.1 Cooking or food exploration;
- 72.8.2 Science and nature investigation;
- 72.8.3 Music and rhythm; and
- 72.8.4 Multi-sensory play tables using materials such as water, sand, rice or beans.
- 72.9. A licensee shall ensure that each child, according to his or her ability, is provided the opportunity for a minimum of twenty (20) minutes of moderate to vigorous physical activity indoors and/or outdoors, for every three (3) hours the child is in attendance between the hours of 7:00 am to 7:00 pm.
- 72.10. A licensee shall ensure that television, digital video display (DVD), and video cassette viewing shall be as follows:
- 72.10.1 Prohibited for children younger than two (2) years of age;
- 72.10.2 Not permitted without the written approval of each child's parent/guardian;
- 72.10.3 Limited to programs which are age appropriate and educational; and
- 72.10.4 Not to exceed one (1) hour daily per child or group of children.
- 72.10.4.1 Viewing time periods may be extended for specific special events or occasions such as a current event, holiday or birthday celebration. Written documentation shall justify the reason(s) for extending the time period beyond one (1) hour daily.
- 72.11 A licensee shall ensure that the use of the computer shall be as follows:
- 72.11.1 Prohibited for children younger than two (2) years of age;
- 72.11.2 Not permitted without the written approval of each child's parent/guardian;

- 72.11.3 Limited to programs, games and websites which are age appropriate and educational;
- 72.11.4 Provides protections from exposure to inappropriate websites such as those that are sexually explicit, violent, or use inappropriate language;
- 72.11.5 Supervised by a staff member; and
- 72.11.6 Not to exceed one (1) hour daily per child or group of children.
  - 72.11.6.1 Usage time periods may be extended for special projects such as homework, researching topics, or special events or interests of a child or group of children. Written documentation shall justify the reason(s) for extending the usage period.

### **73.0 Documenting Children's Progress**

- 73.1 A licensee shall have an organized system for documenting the progress of individual children preschool-age and younger in relation to appropriate developmental and educational goals. This documentation shall be done annually and used to identify possible concerns, and activities and experiences that may benefit the child.
- 73.2 A licensee shall ensure that information gathered to document a child's progress is kept in the child's file and shared with the parent(s)/guardian(s) at a conference. With the parent(s)/guardian(s)' permission, information may also be shared with other professionals when referring the child for special services.

### **74.0 Infant and Toddler Care**

- 74.1 A licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children unless twelve (12) or fewer children in total are present.
- 74.2 A licensee shall ensure that a staff member who at least is an Early Childhood Assistant Teacher or Early Childhood Caregiver is always in the room with the infants and toddlers.
- 74.3 A licensee shall ensure that infants are placed on their backs when putting them down to sleep.
  - 74.3.1 If an exception to this rule is necessary due to a child's physical or medical condition, the licensee shall have documentation from the child's health care provider stipulating the appropriate sleeping position for that child.
- 74.4 A licensee shall provide low chairs and tables or infant seats with trays for table play and mealtime for children no longer being held for feeding. High chairs or feeding tables with attached seats, if used, shall have a wide base and a T-shaped safety strap(s).
- 74.5 A licensee shall provide a rocking chair or other comfortable adult-size seating for at least one-half (1/2) of the staff members on duty in the infant area.

### **75.0 Program for Infants**

- 75.1 A licensee shall ensure that with the approval of the Early Childhood Administrator or Early Childhood Curriculum Coordinator, individual plans are developed for each infant in care. The plan shall include age and individually appropriate goals and describe specific activities and experiences to be provided by staff in support of these goals. Staff shall record these and note developmental milestones, accomplishments, and concerns. Plans shall be reviewed at least three (3) times over a one (1) year period. This information shall be shared with the infant's parent(s)/guardian(s).
- 75.2 A licensee shall ensure that staff keep daily records of an infant's feeding, sleeping, and other routine activities and share these with the infant's parent(s)/guardian(s) at the end of each day.
- 75.3 A licensee shall ensure that staff interacts with infants providing the following opportunities throughout the day:
  - 75.3.1 Offering frequent face to face interaction with infants when they are awake;
  - 75.3.2 Being held and carried;
  - 75.3.3 Limiting time spent, while awake, in any confining equipment such as a crib, infant seat, swing, high chair or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided;
  - 75.3.4 Talking with infants during play, feeding and routine care;
  - 75.3.5 Reading to and looking at books with infants while holding or sitting close to them;
  - 75.3.6 Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;
  - 75.3.7 Responding to infants' actions, sounds and beginning language;
  - 75.3.8 Giving names to objects and experiences in the infants' environment;
  - 75.3.9 Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling and standing; and

~~75.3.10 Providing materials and encouragement for infants' beginning pretend play alone, with other children and with staff.~~

## **76.0 Program for Toddlers**

- ~~76.1 A licensee shall ensure that with the approval of the Early Childhood Administrator or Early Childhood Curriculum Coordinator, individual plans are developed for each toddler in care. The plan shall include age and individually appropriate goals and describe specific activities and experiences to be provided by staff in support of these goals. Staff shall record these and note developmental milestones, accomplishments, and concerns. Plans shall be reviewed at least three (3) times over a one (1) year period. This information shall be shared with the toddler's parent(s)/guardian(s).~~
- ~~76.2 A licensee shall ensure that staff interact with toddlers at their eye level, and whenever appropriate, sitting on the floor with the toddlers, providing the following opportunities throughout the day:
  - ~~76.2.1 Offering frequent face to face interactions with the toddlers;~~
  - ~~76.2.2 Having conversations with toddlers during play, feeding, and routine care;~~
  - ~~76.2.3 Reading to and looking at books with toddlers individually and in small groups;~~
  - ~~76.2.4 Encouraging children to play with one another with adult help;~~
  - ~~76.2.5 Providing materials and encouragement for pretend play alone and with other children and adults;~~
  - ~~76.2.6 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;~~
  - ~~76.2.7 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills;~~
  - ~~76.2.8 Responding to toddlers' words and actions with interest and encouragement;~~
  - ~~76.2.9 Giving names to objects and experiences in the toddlers' environment; and~~
  - ~~76.2.10 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.~~~~

## **77.0 Program For Preschool-Age Children**

- ~~77.1 A licensee shall ensure that staff interact with preschool-age children at their eye level, and whenever appropriate, sitting on the floor with the children, providing the following opportunities throughout the day:
  - ~~77.1.1 Offering frequent face to face interactions with children;~~
  - ~~77.1.2 Having conversations with children during play, meals and routine care;~~
  - ~~77.1.3 Reading to and looking at books with children individually and in groups;~~
  - ~~77.1.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;~~
  - ~~77.1.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the Center's environment;~~
  - ~~77.1.6 Supporting the development of social competence through play and cooperative work with other children;~~
  - ~~77.1.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;~~
  - ~~77.1.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;~~
  - ~~77.1.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills;~~
  - ~~77.1.10 Responding to children's words and actions with interest and encouragement;~~
  - ~~77.1.11 Giving names to objects and experiences in the children's environment; and~~
  - ~~77.1.12 Supporting children's development of independence and mastery of skills.~~~~

## **78.0 Care of School-Age Children**

- ~~78.1 A licensee shall ensure that when ten (10) or more school-age children are in attendance, the school-age children are cared for in an area physically separated from younger children.~~
- ~~78.2 A licensee shall ensure that the outdoor play area for school-age children is physically separated or used at separate times from that provided for children younger than school-age.~~

## **79.0 Program for School-Age Children**

- ~~79.1 A licensee shall ensure that staff interacts with school-age children providing opportunities, materials, and equipment as described in Rule 91.1 of Part III, School-Age Center rules.~~

## **80.0 Equipment**

- 80.1 A licensee shall provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall promote a variety of experiences that support children's social, emotional, language/literacy, intellectual, and physical development.
- 80.2 A licensee shall ensure that materials and equipment be available in a quantity to allow all children to benefit from their use and to allow a range of choices with, at least, duplicates of the most popular materials.
- 80.3 A licensee shall ensure that for infants and toddlers under eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule 80.2:
- 80.3.1 Sensory supplies and equipment: crib mobiles, teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;
  - 80.3.2 Language/dramatic play supplies and equipment: picture books, toy telephones, tapes or CD's, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment;
  - 80.3.3 Manipulative supplies and equipment: squeeze and grip toys, boxes, sorting and stacking toys, three (3) or four (4) piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment;
  - 80.3.4 Building supplies and equipment: soft lightweight blocks, toy cars, trains and/or boats, figures of animals and people, stacking rings and/or cups, nesting toys, or other comparable supplies or equipment;
  - 80.3.5 Large muscle supplies and equipment: low climbers, slides, riding/rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other comparable supplies and equipment; and
  - 80.3.6 Music supplies and equipment: rhythm instruments, tape or CD player and CDs and tapes; toys with musical tones, musical mobiles and/or busy boxes, drums, xylophones and/or pianos, or other comparable supplies or equipment.
- 80.4 A licensee shall ensure that for children over eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule 80.2:
- 80.4.1 Language/literacy supplies and equipment: books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, and/or classification, poetry, puppets, audio-visual materials, show and tell items, or other comparable supplies or equipment;
  - 80.4.2 Science and math supplies and equipment: plants and gardening equipment, aquarium with fish and/or other appropriate live animals, water table with supplies, sand table and supplies, cooking supplies, weather chart and/or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;
  - 80.4.3 Manipulative supplies and equipment: puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;
  - 80.4.4 Large muscle equipment: rocking boat, wheel toys, climbers, slides, balance beam, barrels and/or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies and equipment;
  - 80.4.5 Building activities: unit blocks (minimum of four (4) sizes), transportation toys, farm animals and/or play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;
  - 80.4.6 Art supplies and equipment: crayons, tempera paint, large brushes and newsprint, finger paint and finger paint paper, construction paper in assorted colors, paste or glue, blunt scissors, collage materials, non-toxic felt tip markers, easels, clay or play dough, or other comparable supplies and equipment;
  - 80.4.7 Music supplies and equipment: tape/CD player, tapes or CDs, piano and/or organ, guitar, rhythm sticks, drums, cymbals and bells, tape recorder, or other comparable supplies and equipment; and
  - 80.4.8 Dramatic play supplies and equipment: toy dishes, ironing board, telephones, occupational props and/or uniforms, dress-up clothes, housekeeping area (stove, sink, refrigerator), cradle or doll bed, doll carriage and dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment.
- 80.5 A licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small loose pieces and are free from recall.
- 80.5.1 For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission website at [www.cpsc.gov](http://www.cpsc.gov).
- 80.6 A licensee shall ensure that furniture is durable and child-sized or adapted to children's use. Tables shall be at waist height of the intended child-user and the child's feet are able to reach a firm surface while the child is seated.

- 80.7 ~~A licensee shall ensure that equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the program.~~
- 80.8 ~~A licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster awareness of other cultures and communities.~~
- 80.9 ~~A licensee shall prohibit toys that explode or fire projectiles.~~
- 80.10 ~~A licensee shall ensure that infants and toddlers do not have access to plastic bags, styrofoam objects or toys, and objects with a diameter of less than one (1) inch.~~

**81.0 Smoking Prohibited**

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

**82.0 Release of Children**

- 82.1 ~~A licensee shall have and use written policy and procedures for the release of children including:~~
  - 82.1.1 ~~Procedures ensuring documentation of the release of the child from the responsibility of Center staff to an authorized person;~~
  - 82.1.2 ~~Procedures for emergency release of children as individually requested by parents/guardians;~~
  - 82.1.3 ~~Procedures regarding the release of the child to any person not known to Center staff;~~
  - 82.1.4 ~~Procedures to be followed when a person not authorized to receive a child, or a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child;~~
  - 82.1.5 ~~Procedures for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian; and~~
  - 82.1.6 ~~This release policy shall be provided to all parents/guardians of the children in attendance, staff members and volunteers.~~
- 82.2 ~~A licensee shall ensure that a child is released only to a parent/guardian or a person authorized by the parent/guardian to receive the child.~~
- 82.3 ~~A licensee shall have a procedure to verify the identity of any person receiving a child prior to releasing the child when that person is not known to Center staff and keep written documentation of such verification for at least twenty-four (24) hours.~~
- 82.4 ~~A licensee shall ensure that when a parent/guardian calls the Center requesting emergency release of a child, the staff member verifies the identity of the parent/guardian prior to releasing the child.~~

**PART II. NIGHT CARE**

**83.1 General Rules**

- 83.1 ~~Night Care may be provided by a Center licensed to provide only Night Care or as a component of a licensed Center.~~
- 83.2 ~~A Center licensed to provide only Night Care shall be exempt from the following rules in Part I, GENERAL PROVISIONS:-~~
  - 83.2.1 ~~Rules 29.7 and 29.9 (Number of Staff); and~~
  - 83.2.2 ~~Rules 33.1 – 33.15 (Outdoor Area).~~

**84.0 Physical Environment And Safety**

- 84.1 ~~Security~~
  - 84.1.1 ~~A licensee shall show evidence of a security program to ensure that access to children is limited to authorized persons.~~
  - 84.1.2 ~~A licensee shall ensure that the exterior of the building is illuminated in accordance with Rule 48.2.~~
- 84.2 ~~Sleeping Arrangements~~
  - 84.2.1 ~~A licensee shall ensure that sleeping arrangements are structured so that children who are awake are cared for in a separate area from sleeping children and that sleeping children are not disturbed.~~
  - 84.2.3 ~~licensee shall ensure that children over the age of seven (7) years do not share a dressing area with persons of the opposite sex.~~

~~84.2.3 A licensee shall ensure that each child is provided with sleeping equipment as specified in Rules 37.1–37.6.~~

~~84.2.3.1 For children sleeping four (4) or more hours at the Center during the evening or are sleeping overnight, a licensee shall provide, as appropriate to their age, a crib or individual bed with a mattress that is covered with sheets and a seasonably appropriate blanket.~~

~~84.2.3.2 The licensee shall also provide a pillow with a pillowcase for a child in a bed.~~

~~84.2.4 A licensee shall ensure that each child has individual, clean, and comfortable sleeping garments.~~

### **84.3 Bathing Facilities**

~~84.3.1 A licensee shall follow the parent(s)/guardian(s)' preference regarding bathing the child as discussed with the parent(s)/guardian(s) and noted in the child's record.~~

~~84.3.1.1 If bathtubs and showers are used, they shall be equipped to prevent slipping.~~

~~84.3.1.2 Infants shall be bathed in age-appropriate bathing facilities.~~

~~84.3.1.3 Portable bathing facilities shall be acceptable for bathing children before bedtime.~~

~~84.3.1.4 Under no circumstances shall a child be bathed in a sink utilized for cleaning dishes and/or utensils.~~

~~84.3.1.5 Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been cleaned and sanitized before each use.~~

~~84.3.1.6 Children shall be bathed individually and not be placed together in a bathtub or shower.~~

~~84.3.1.7 Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.~~

~~84.3.1.8 Individual towels and washcloths shall be provided for each child.~~

~~84.3.2 A licensee shall ensure that no child is left unsupervised while in a bathtub or shower.~~

~~84.3.2.1 A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). A staff member shall respect that child's privacy but be immediately available to ensure the child's safety and to offer assistance when requested by the child.~~

~~84.3.3 A licensee shall ensure that there is a nightlight in the bathroom, hallway and sleeping areas as dictated by the individual needs of the children.~~

### **85.0 Grooming Aids**

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

### **86.0 Human Resources**

#### **86.1 Awake Staff**

~~86.1.1 A licensee shall ensure that staff members are awake at all times and monitor sleeping children.~~

#### **86.2 Number Of Staff**

~~86.2.1 A licensee shall ensure that when children one (1) year and older are sleeping at least one-half (1/2) of the required staff complement are physically present with the children and directly observing the children.~~

~~86.2.2 A licensee shall ensure that at least two (2) staff are present and with the children at all times when four (4) or more children one (1) year and older are present.~~

~~86.2.2.1 When only one (1) staff member is present with the children, the licensee shall have emergency procedures providing immediate access to emergency service and additional staff available at the Center within one (1) minute of being contacted.~~

~~86.2.2.2 When only one (1) staff member is present with the children, the staff member shall have no other responsibilities than caregiving direct child care during that time.~~

### **87.0 Child Care**

#### **87.1 Activities**

~~87.1.1 A licensee shall ensure that a program of activities is provided to children before bedtime.~~

~~87.1.2 A licensee shall ensure that each child is given individual attention at bedtime and upon awakening.~~

~~87.1.2.1 The licensee shall discuss with the parent(s)/guardian(s) any special preferences or habits of the child regarding bedtime and awakening and share this information with the staff member in charge of the child.~~

## **PART III. SCHOOL-AGE CENTER**

## **88.0 General Rules**

- 88.1 ~~School-Age Care may be provided by a School-Age Center that exclusively offers care, education, protection, supervision or guidance for school-age children before and/or after school; during school holidays; and/or summer months.~~
- 88.2 A School-Age Center shall be exempt from the following rules in Part I, GENERAL PROVISIONS:
  - 88.2.1 ~~Rules 39.2–39.5 (Number of Toilets);~~
  - 88.2.2 ~~Rule 56.2 (General Safety Practices – Outlet Covers);~~
  - 88.2.3 ~~Rules 67.1.16, 67.2.4 and 67.3.1 (Infant and Toddler Food and Nutrition);~~
  - 88.2.4 ~~Rules 73.1 and 73.2 (Documenting Children’s Progress);~~
  - 88.2.5 ~~Rules 74.1–74.5 (Infant And Toddler Care);~~
  - 88.2.6 ~~Rules 75.1–75.3 (Program For Infants);~~
  - 88.2.7 ~~Rules 76.1 and 76.2 (Program For Toddlers);~~
  - 88.2.8 ~~Rule 77.1 (Program for Preschool-Age Children); and~~
  - 88.2.9 ~~Requirement Rule 80.10 (Equipment).~~

## **89.0 Human Resources**

### **89.1 Staff Qualifications**

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

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

- 89.2.1 ~~A licensee shall ensure that a School-Age Administrator meets the same qualifications as an Early Childhood Administrator in relation to Rules 24.5.1, 24.6 and 24.9.2 with the following additional options:~~
  - 89.2.1.1 ~~In relation to experience, working with school-age children in a group setting;~~
  - 89.2.1.2 ~~In relation to Bachelor or Associate degrees, college/university credits directly related to the needs of the school-age children served; and~~
  - 89.2.1.3 ~~In relation to Associate degree, in a field related to recreation, elementary education, school-age care or school-age care administration.~~

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

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

89.3.1.1 ~~At least successful completion of twelve (12) college/university credits related to the needs of the school-age children served and three (3) years experience working with children school age or younger in a group setting, or~~

89.3.1.2 ~~At least successful completion of sixty (60) college/university credits including twelve (12) college/university credits related to the needs of the school-age children served and two (2) years of experience working with children school-age or younger in a group setting.~~

89.3.2 A licensee shall ensure that the School-Age Site Coordinator has successfully completed at least three (3) college/university credits or forty five (45) clock hours of training in curriculum development for elementary education or school-age care which may be included in the total number of college/university credits required for this position, if assigned the responsibility of the development, evaluation or monitoring of the School-Age Center's curriculum.

#### 89.4 School-Age Site Assistant

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

89.4.1.1 ~~At least successful completion of three (3) college/university credits or sixty (60) clock hours of training directly related to the needs of the school-age children served and 400 hours experience working with children school-age or younger in a group setting;~~

~~89.4.1.1.1 400 hours experience shall be equivalent to one (1) year of part time employment providing care to children during a school year (September to June) or full time employment providing care to children during the majority of one (1) summer season (June through August); or~~

89.4.1.2 ~~At least successful completion of *Delaware First's* "Introduction to Child Care" or "Child Development" completed within twelve (12) months of employment and 800 hours of experience working with children school-age or younger in a group setting;~~

~~89.4.1.2.1 800 hours experience shall be equivalent to two (2) years of part time employment providing care to children during two (2) school years (September to June) or full time employment providing care to children during the majority of two (2) summer seasons (June through August).~~

#### 89.5 School-Age Intern

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

89.5.1.1 ~~At least successful completion of *Delaware First's* "Introduction to Child Care" or "Child Development" completed within twelve (12) months of employment.~~

89.5.2 ~~A licensee shall ensure that a School-Age Intern under the age of eighteen (18) does not provide direct child care to children who are close in age. Such a School-Age Intern shall be at least four (4) years older than any child in his or her direct care.~~

#### 89.6 Staffing

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

89.6.2 ~~A licensee shall ensure that when a School-Age Administrator is responsible for more than one (1) Center, the School-Age Administrator is required to make, at a minimum, a continuous thirty (30) minute visit per week at each School-Age Center.~~

89.6.3 ~~A licensee shall ensure that a School-Age Center has at least one (1) staff member who meets the qualifications for the position of School-Age Site Coordinator when the School-Age Administrator is responsible for more than one (1) School-Age Center.~~

89.6.4 ~~A licensee shall ensure that a staff member with the qualifications of at least a School-Age Administrator or School-Age Site Coordinator is present at least fifty (50) percent of the hours of operation.~~

89.6.5 ~~A licensee shall ensure that a School-Age Site Coordinator is responsible for no more than two (2) School-Age Centers.~~

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

89.6.7 ~~A licensee shall ensure that when a School-Age Administrator or School-Age Site Coordinator is not present at the School-Age Center, an assigned staff member that at least meets the qualification of School-Age Site Assistant as stated in Rule 89.4.4.1 is present~~

89.6.7.1 ~~This staff member shall be specifically designated as responsible for the School-Age Center in the absence of the School-Age Administrator or School-Age Site Coordinator and have documented~~

training in the day to day operations of the Center with an emphasis in the supervision of children and staff.

## **90.0 Physical Environment And Safety**

### **90.1 Outdoor Play Area**

~~90.1.1 A licensee shall have plans approved by the Office of Child Care Licensing for a safe outdoor play area.~~

~~90.1.1.1 A licensee shall provide either safe open outdoor spaces for running and games or supervised excursions to public and private playgrounds.~~

~~90.1.2 A licensee operating a School-Age Center at a public or private school shall be able to use that school's playground as the outdoor play area upon approval by the Office of Child Care Licensing.~~

### **90.2 Toilet Facilities**

~~90.2.1 A licensee shall ensure that the School-Age Center has one (1) toilet and sink for every twenty-five (25) school-age children, based on licensed capacity.~~

~~90.2.1.1 Urinals shall be counted as one-half (1/2) of a toilet for the purposes of this calculation provided that the population served includes a significant number of males and that a minimum of two (2) flush toilets are available and accessible to both males and females.~~

~~90.2.1.2 Children shall be given privacy in toilet use unless assistance is required.~~

### **90.3 Transportation**

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

## **91.0 Health Care**

### **91.1 Food and Nutrition**

~~91.1.1 A licensee shall ensure that a nutritious snack comprising one (1) item from two (2) of the four (4) food groups as described in Rule 67.1.8 is served to each child in after school care.~~

~~91.1.1.1 If breakfast is not served at the School-Age Center, a nutritious snack shall be served to each child who is in before school care for more than two (2) hours.~~

~~91.1.1.2 If milk or fruit juice is not included with a snack, water shall also be served with that snack.~~

## **92.0 Child Care**

### **92.1 Activities**

~~92.2.1 A licensee shall ensure that a program of indoor and outdoor activities and supplies and equipment is provided based on the ages and developmental levels of school-age children served.~~

~~92.2.1.1 Children shall be given daily opportunities for active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment.~~

~~92.2.1.2 Children shall have daily outdoor activities after school. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors.~~

~~92.2.1.3 Children shall have daily opportunities for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.~~

~~92.2.1.4 Children shall have monthly opportunities to participate in projects that require an extended time period to complete in such topics as science, math, social studies, language arts, cooking, drama, creative arts or, music.~~

~~92.2.1.5 As described in Rule 80.4, supplies and equipment shall be adapted to suit the different ages and interests of the school-age children and include books for all reading abilities.~~

~~92.2.1.6 The quantity of materials and equipment available to school-age children shall be sufficient to allow children the opportunity to freely choose activities or materials. There shall be a system of sharing items such as computers that are in high demand but cannot be supplied to all children.~~

~~92.2.1.7 Children shall have the opportunity to take responsibility consistent with their ages for choosing, planning, carrying out and evaluating their own activities.~~

~~92.2.1.8 Children shall be given opportunities to experience a diversity of activities that reflect the various communities, languages and cultures of the children in attendance.~~

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

## INTRODUCTION

### **1.0 Legal Base**

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

### **2.0 Purpose**

The overall purpose of these regulations is the protection and promotion of the health, safety, well-being, and positive development of children who receive services in early care and education and school-age centers. These regulations reflect the baseline or minimum standards that shall be expected in Delaware's licensed early care and education and school-age centers. All licensed centers shall have the option to exceed the regulations or standards set by the Office of Child Care Licensing (known hereafter as OCCL) through participation in Delaware Stars for Early Success or the licensee's own initiative.

## **PART I GENERAL PROVISIONS**

### **3.0 Definition of Regulated Service**

- 3.1 Early care and education and school-age centers provide care, education, protection, supervision, or guidance for 13 or more children, including children who are related to the licensee. Service is provided on a regular basis for periods of less than 24 hours per day, unattended by parent or guardian, and for compensation. This definition shall include but is not limited to full- and part-time day care, child care, early care and education, early childhood education, preschool, nursery school, extended child care, independently operated kindergartens, before-or after-school care, school-age care, school's out care, school vacation or holiday care, and summer child care.
- 3.2 Early care and education and school-age centers located at public or private schools that are operated by an agency or individual other than a public or private school entity shall be required to be licensed under these regulations.
- 3.3 The following facilities that operate for less than 24 hours per day shall be exempt from licensure under these regulations:
  - 3.3.1 Camps issued permits by the Division of Public Health;
  - 3.3.2 An institution, agency, association, or organization under State of Delaware ownership and control;
  - 3.3.3 Classes for religious instruction conducted by religious institutions during the summer months for periods not to exceed four weeks;
  - 3.3.4 Programs established in connection with a business, recreation center, or religious institution in which children are provided care for brief periods of time, while parent/guardian is on the premises, are readily accessible at all times on an on-call basis, and are able to resume control of the child immediately;
  - 3.3.5 Programs that offer activities for children over the age of six who attend at their own discretion on an 'open door' basis, where there is no compensation, and where there is no agreement, written or implied, between the program and the parent/guardian for the program to assume responsibility for the care of the child;
  - 3.3.6 Programs that offer school-age care on an ad hoc, sporadic, and isolated basis in order to meet an emergency or special need or to provide specific skill instruction; or
  - 3.3.7 A public or private school that provides regular and thorough instruction through at least the sixth grade in the subjects prescribed for the schools of the State, in a manner suitable to the children of the same age and stage of advancement, and that reports to the State Board of Education pursuant to 14 **Delaware Code**, Section 2704. This exclusion shall include all programs operated by these schools [except as stated in Section 7.2.] and shall also include preschool education programs for people with disabilities as defined by 14 **Delaware Code**, Section 3101(4).
- 3.4 A person, organization, or entity shall not operate or provide child care services as defined in these regulations unless a license to do so is issued by the OCCL. Anyone who violates a provision of 31 **Delaware Code**, Sections 341-345, known as The Delaware Child Care Act, may be fined not more than \$100 or imprisoned not more than three months, or both.
  - 3.4.1 To maintain licensure, licensees must follow these regulations and applicable provisions of Delaware Code. Failure to do so may result in a corrective action plan or enforcement action, such as warning of probation, probation, suspension, revocation, or denial of a license application. A licensee may request an appeal of a pending enforcement action by requesting a hearing within 10 business days of notification of the OCCL's decision to impose the action.

#### **4.0 Definition of Terms**

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

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

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

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

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

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

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

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

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

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

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

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

**“Child care licensing specialist”** also known as “licensing specialist” means an employee of the OCCL who is responsible for performing regulatory activities including monitoring, investigations, enforcement actions, and decisions for licensure as set forth in Delaware Code and these regulations.

**“Child care licensing supervisor”** also known as “licensing supervisor” means an employee of the OCCL who is responsible for performing supervisory and regulatory actions including monitoring, investigations, enforcement actions, and decisions for licensure as set forth in Delaware Code and these regulations.

**“Child neglect”** means the failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary: education as required by law; nutrition; or medical, surgical or any other care necessary for the child’s well-being as defined in 10 **Delaware Code**, Section 901.

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

**“Child with disabilities”** means a child who has been diagnosed by a qualified professional as having a physical, intellectual, emotional, developmental, or chronic medical condition or impairment which would require modifications in the regular program of activities for that child at a center or as defined by applicable federal and State laws.

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

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

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

**“Corrective action plan”** means a written document listing non-compliance that must be corrected, how it must be corrected, and the date by which it must be corrected.

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

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

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

**“Designated representative”** means the person who has been assigned by the licensee/organization/corporation to act on behalf of the licensee/organization/corporation and granted authority over program operations and to represent the licensee/organization/corporation in dealings with the OCCL.

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

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

**“Direct voice contact”** means a licensee or staff member is required to speak directly with a licensing specialist, licensing supervisor, or administrator from the OCCL through a phone call or face-to-face contact. 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.

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

**“Early childhood administrator”** means a staff member with direct responsibility for the center’s total program of services provided to children and their families, and including when applicable, the administrative aspects. The early childhood administrator approves curriculum, and when also serving as the early childhood curriculum coordinator develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the center. The early childhood administrator supervises all staff and meets the qualifications specified in these regulations.

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

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

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

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

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

**“Early childhood intern”** means a staff member who performs direct child care functions and related duties and works under the supervision of an early childhood teacher and the direct observation of at least an early

childhood assistant teacher or early childhood caregiver. This individual can be alone with children as specified in these regulations and meets the qualifications specified in these regulations.

**“Early childhood teacher”** means a staff member who performs direct child care functions and related duties, works under the supervision of an early childhood administrator or early childhood curriculum coordinator, and is immediately responsible for the direct care, supervision, guidance, and education of children at a center. The early childhood teacher implements the curriculum and daily activities for a group of children. The early childhood teacher may supervise early childhood assistant teachers, early childhood caregivers, early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

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

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

**“Family”** means a biological or adoptive father or mother, but may be interpreted broadly to include a person, whether related to the child by blood or not, who resides with the child, takes part in the child’s family life, and also may have responsibility for or legal custody of the child.

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

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

**“Group size”** means the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

**“Health care provider”** means a professional who practices medicine with or without supervision and is sanctioned by an established licensing body. The most common types of health care providers include physicians, advance practice nurses or nurse practitioners, and physician assistants.

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

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

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

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

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

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

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

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

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

**“Meal”** means breakfast, lunch, or dinner.

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

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

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

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

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

**“Preschool-age child”** means a child three through five years of age who is not yet attending a public or private kindergarten program. If a child is older than five years of age and is not yet attending a public or private kindergarten program, that child shall be considered in the preschool-age group until attending kindergarten or first grade, whichever comes first.

**“Probation”** means a written notice of a specific enforcement action initiated by the OCCL and approved by the division director, which directs the licensee to correct all non-compliances and maintain compliance or face revocation or denial of the license application.

**“Professional development”** means the essential knowledge and skills to develop or enhance generally accepted competencies in the early care and education and school-age field.

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

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

**“Regularly or on a regular basis”** means early care and education and school-age care services which are available and provided at a center on more than one day in a week.

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

**“Revocation”** means the process of rescinding a license during the effective dates of a license withdrawing official permission to operate.

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

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

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

**“Serious injury”** means **[a 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 administrator”** means a staff member of a school-age center with direct or supervisory responsibility for the school-age center’s total program of services provided to children and their families including, when applicable, the administrative aspects. The school-age administrator approves curriculum and also, when not assigning such duties to a school-age site coordinator, develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the school-age center. The school-age administrator supervises all school-age staff and meets the qualifications specified in these regulations.

**“School-age aide”** means a staff member of a school-age center who performs direct child care functions and related duties in this time-limited, entry level position, who works under the supervision of at least a school-age site coordinator and the direct supervision of at least a school-age site assistant, has not completed the approved training required for the position of school-age intern, can never be alone with children, and meets the qualifications specified in these regulations.

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

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

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

**“School-age intern”** means a staff member of a school-age center who performs direct child care functions and related duties, works under the supervision of at least a school-age site coordinator or school-age site assistant who is designated as responsible for the school-age center. This individual works under the direct observation of at least a school-age site assistant, can be alone with children as specified in these regulations, and meets the qualifications specified in these regulations.

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

**“School-age site coordinator”** means a staff member of a school-age center who performs direct child care functions and related duties, works under the supervision of the school-age administrator, and is immediately responsible for the day-to-day operations of the school-age center, direct care, supervision, guidance, and education of the children. The school-age site coordinator implements curriculum and daily activities for children at the school-age center. Also, when assigned such duties, the school-age site coordinator develops and evaluates curriculum, and monitors implementation of curriculum. The school-age site coordinator may supervise school-age site assistants, school-age interns, school-age aides, volunteers, and substitutes and meets the qualifications specified in these regulations.

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

**“Snack”** means supplemental food served between meals.

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

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

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

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

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

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

**“Suspension order”** means a notice issued by the OCCL directing that a center’s services be discontinued as of a specified date with no services to children provided during the term of the suspension order, and that the license to operate a center has been suspended.

**“Toddler”** means a child who is between the age of 12 months and less than 36 months of age.

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

**“Variance”** means the nontransferable written authorization issued by the division to use alternative means which meet the intent of the specific licensing regulation and is based on the need or circumstance of the center and does not endanger the health, safety, or well-being of children in care.

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

“Warning of probation” means a written notice of a specific enforcement action initiated by the OCCL and approved by the administrator of OCCL, intended to alert the facility that it has committed or accumulated sufficient serious violations of these regulations which, if not promptly corrected, could lead to a recommendation to place the facility on probation or other enforcement action.

## **5.0 Issuance of a License**

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

## **6.0 Authority to Inspect**

- 6.1 An applicant or licensee must allow access to the premises for announced or unannounced monitoring visits and complaint investigations. Access must also be allowed to information, files, or other documents relevant to determining regulation compliance by an authorized representative of the OCCL, a State agency, or a local building, fire or health agency. The purpose of access will be to determine compliance with applicable provisions of these regulations.
- 6.2 The licensee or any other individual shall permit and shall not impede the interviewing of the licensee, any staff member or substitute, any child in care, and the parent/guardian of a child in care by representatives of the OCCL and other authorized State or local officials. The purpose of all interviews will be to determine regulation compliance or investigate complaints of non-conformity with applicable provisions of these regulations and any other applicable codes, regulations, or laws.
- 6.3 A licensee may request a licensing conference to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint, or other monitoring visit.

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

- 7.1 A separate application shall be made for each center address. A separate license is not required for a center that operates in two or more buildings at the same address.
- 7.2 An agency or individual who operates an early care and education or school-age center at a public or private school but is not employed by the school shall be required to obtain a license for each center address.

## **8.0 License Renewal**

A licensee shall obtain, complete, and submit an application for a license renewal to the OCCL at least 60 calendar days before the expiration of the center’s current license. When a licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the OCCL makes a decision on the renewal application. An annual or provisional license may be issued after a licensing specialist completes a compliance review.

## **9.0 Changes Affecting a License**

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

## **10.0 License Suspension**

- 10.1 The OCCL may immediately suspend a license if the health, safety, or well-being of children in care is in serious or imminent danger. A suspension order may be verbal or written and the licensee shall cease operation as required by the OCCL. A verbal suspension order shall be followed by a written suspension order within three business days. A written suspension order shall state the reason or reasons for the enforcement action.
- 10.2 Within 10 business days after the issuance of the written order, the licensee must relinquish the child care license (if applicable) to the OCCL, remain suspended until the reason for the suspension has been corrected, or remain suspended and request a hearing.

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

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

- 11.1 The division may deny a license application or revoke a license to operate for failure to follow these regulations or a federal, State, or local law. An effort to falsify information provided to the department shall be considered evidence of a violation of these regulations on the part of the licensee or staff member of the child care facility and may constitute a cause for revoking a license or denying a license application. The division shall notify the licensee in writing of its intent to deny a license application or revoke a license, stating the reason or reasons for the enforcement action, and specify the licensee's entitlement to appeal the decision and request a hearing.
- 11.1.1 Within 10 business days after receipt of the written notice, the licensee must request a hearing or accept the denial or revocation and close within the time frame indicated in the notice.
- 11.1.2 The hearing must be held within 30 days of the initial hearing request by a hearing officer with no previous involvement in the matter prompting the hearing. Continuances beyond the times specified shall be granted by the designated hearing officer only for good cause.
- 11.1.3 The licensee whose license has been revoked or applicant whose application has been denied may not apply for a license from the OCCL within a three-year period from the date that the revocation or denial was upheld. A facility's designated representative, early childhood administrator, or school-age administrator will not be issued a license during this three-year period.
- 11.2 If a licensee requests an administrative hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered after the administrative hearing; except that the OCCL shall have the authority to suspend the license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.
- 11.3 If a licensee does not make a timely request for an administrative hearing in accordance with Subsection 11.1.1, the action to deny a license application or revoke a license shall take effect 30 calendar days after the issuance of the notice. However, if the health, safety, or well-being of children in care is in serious or imminent danger, the OCCL shall suspend the license.
- 11.3.1 An applicant or licensee who is dissatisfied with the decision of the Department as a result of the hearing provided for revocation or license application denials may within 30 business days after the mailing or service of the decision notice, file a notice of appeal at the expense of the provider to the Delaware Superior Court in the office of the Prothonotary of the Superior Court of the county in which the child care facility is located or to be located, and serve a copy of the notice of appeal upon the Department.
- 11.3.2 The final decision of the Secretary will remain in place during the appeal process unless otherwise ordered by the Court pursuant to 29 **Delaware Code**, Section 10144.

#### **12.0 Regulation Variance**

All regulations must be complied with in their entirety unless the applicant or licensee submits a written request for a regulation variance to the OCCL and receives approval. The variance request must document to the satisfaction of the division that the intent of the specific regulation shall be achieved in a manner other than that prescribed by the regulation and that the health, safety, and well-being of children in care will be preserved. The licensee shall maintain proof of the variance approval and make it available on request. If the licensee fails to comply with the variance, the division shall void the variance and require the site to become compliant with the regulation.

### **PART II ADMINISTRATION AND ORGANIZATION**

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

- 13.1 A licensee shall ensure that the OCCL is notified in writing at least 90 consecutive calendar days before the anticipated closing of the facility or program or a change of ownership, sponsorship, location, facility or program name, licensed capacity, or applicable type of regulated service being provided.
- 13.2 A licensee shall ensure that the OCCL is notified within five business days of the resignation, termination, transfer, or hiring of the early childhood or school-age administrator, early childhood curriculum coordinator, or school-age site coordinator.
- 13.3 A licensee shall ensure that the OCCL is notified within one business day by direct voice contact (followed by a written report within three business days) during the OCCL's working hours in the event of:

- 13.3.1 A fire, flood, or other damage due to a natural or man-made disaster(s) that impacts the ability to operate safely;
- 13.3.2 Injury of a child while in the care of a center when the center is informed the child required medical/dental treatment [other than any first aid provided at the center];
- 13.3.3 Suspected abuse or neglect of a child while at the center (after reporting the suspected abuse or neglect to the 24-Hour Child Abuse Report Line, currently listed as 1-800-292-9582);
- 13.3.4 A known conviction of a staff member including those which prohibit continued employment at the center;  
or
- 13.3.5 An adverse effect or medication error, when known to the center, that results in medical treatment (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route).
- 13.4 A licensee shall ensure that the OCCL is immediately notified by direct voice contact during the OCCL's working hours of the death of a child while in care. If a death occurs after such working hours, the licensee shall immediately call the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).
- 13.5 Telephone calls from the OCCL requiring a response from the licensee or staff must be returned within two business days.

#### **14.0 Governing Body**

- 14.1 A licensee shall have an identifiable owner or functioning governing body with responsibility for and authority over the operation of the center. The owner or governing body shall designate a qualified person to function as the early childhood or school-age administrator of the center.
- 14.2 The owner or governing body of a center shall ensure that the licensee and its employees follow all applicable federal, State, local laws and regulations, including, but not limited to, the Americans with Disabilities Act and Delaware equal accommodations statutes.
- 14.3 A licensee shall have **[and follow]** an organized system of business management and have sufficient staff, space, and equipment to fulfill, at a minimum, administrative, fiscal, clerical, cleaning, maintenance, food services, direct child care, and supervisory functions.

#### **15.0 Insurance Coverage**

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

#### **16.0 Records**

- 16.1 A licensee shall maintain files and records applicable to licensing and have them accessible and available for review by OCCL at all times.
- 16.2 A licensee shall establish and use a system for documenting attendance at arrival, departure~~], and every transition to ensure the location of each group of children in attendance at any given time~~. This system shall verify the location of individual children when a child does not remain with the entire class. These daily child attendance records shall be retained for a minimum period of three months.
- 16.3 A licensee shall keep a written or electronic record of the daily work assignment and hours of each staff member to ensure this individual's whereabouts and classroom assignment, and retain these records for a minimum period of three months.

#### **17.0 Enrollment**

- 17.1 A licensee shall ensure that the daily population at the center is in accordance with the capacity restrictions on the center's license.
- 17.2 A licensee shall provide a prospective purchaser of care with information detailing the individual's right to inspect the active record and complaint files of the center as described in 31 **Delaware Code**, Section 398. As a part of the enrollment or application process, the licensee shall require the parent/guardian of children who are enrolled to read and sign *The Parents Right to Know Act* form and keep the signed document on file at the center. A copy of the signed document shall be given to the parent/guardian. In the event that the parent/guardian does not enroll the child, the signed document shall be kept on file for a minimum period of three months as proof of presenting the information.
- 17.3 A child shall attend the center only when the information listed in Section 19.0 is obtained from the parent/guardian, placed in the child's on-site confidential file, and updated regularly.

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

17.4.1 Determine if the center's program can effectively meet the child's developmental and educational needs and abilities and to determine the accommodations or other planning needed to do so; and

17.4.2 Provide an opportunity for the parent/guardian and child to observe the center and program.

## **18.0 Release of Children**

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

18.1.1 Procedures to follow documenting that the release of a child from the responsibility of center staff shall only be to a person authorized by the parent/guardian;

18.1.2 Procedures to follow for requiring photo identification for individuals unknown to the center who are identified as authorized releases, except for bus drivers contracted by the child's school;

18.1.3 Procedures to follow when a person not authorized to receive a child, or when a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child; and

18.1.4 Procedures to follow for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian.

## **19.0 Child Files**

19.1 A licensee shall have an on-site confidential file for each child at enrollment and an established procedure to ensure that information supplied by a parent/guardian is maintained and kept current and available to staff responsible for a particular child on a need-to-know basis. This file shall be **[maintained on site available upon request]** for at least three months after disenrollment and shall include the following:

19.1.1 The child's first/last name, date of birth, address, and telephone numbers including home and parents'/guardians' cell phone numbers, if applicable;

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

19.1.3 Emergency telephone numbers for at least two individuals authorized for release of the child;

19.1.4 Name and telephone number of the child's health care provider;

19.1.5 Health appraisal and immunization record (or notarized religious or medical exemption from immunization) on file at the center within 30 calendar days of enrollment;

19.1.6 First and last names of all people authorized to pick the child up from the center;

19.1.7 If applicable, relevant copies of court orders on custody and visitation arrangements provided by the parent/guardian;

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

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

19.1.10 Written authorizations from parent/guardian for: emergency medical treatment, release of child, and if applicable, special dietary needs, swimming activities, administration of medication, television and computer use, and transporting the child on a routine or off-premises basis;

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

19.1.12 Parent/Guardian signature forms as required by federal, State, or local governments or the OCCL, such as receipt of information specified in *The Parents Right to Know Act*.

## **20.0 Personnel Files**

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

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

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

- 20.1.3 Two references from two adults who are not related to the staff member who can verify the staff is of good character and can meet the needs of children; These references can be letters or documentation of the reference's name, contact information, date of reference contact, contents of the conversation with a reference, and name of person receiving verbal reference;
- 20.1.4 Release of employment history form, Service Letters obtained or pertinent documentation showing requests and follow-up for Service Letters have been made. Two additional letters of reference or verbal references as described above are required if no previous employment or if unable to secure at least one service letter with appropriate documentation;
- 20.1.5 Professional development plan within three months of hire, if applicable;
- 20.1.6 Qualifications certificate (if applicable);
- 20.1.7 Written records of required health appraisal that includes verification of the employee's ability to perform essential job functions and conducted within one year before hire date and submitted within the first month of employment. The required health appraisal may be submitted between 30 and 60 days after the start of employment upon documentation from the health care provider that the health appraisal appointment is scheduled during this extended period and that no earlier appointment date could be secured;
- 20.1.8 Written evidence on file within the first month of employment of freedom from communicable tuberculosis verified by test or medical professional risk assessment within one year before the date of initial employment at the center, with further testing if there are specific concerns from a health care professional regarding the employee's health or in accordance with current guidelines of the Delaware Division of Public Health (current website is [www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf](http://www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf));
- 20.1.9 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; or serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in another state or country;
- 20.1.10 Documentation of a fingerprinting appointment scheduled before the start of employment with verification of fingerprinting form presented within 30 calendar days of the staff member's start date;
- 20.1.11 Verification of adult abuse registry check;
- 20.1.12 Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or unlawful possession, manufacture, or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place;
- 20.1.13 If transporting children, a copy of a current driver's license;
- 20.1.14 Copy of job description;
- 20.1.15 Written proof that safe sleep procedures (for programs serving infants) and child abuse and neglect recognition and reporting procedures have been reviewed with the staff member yearly;
- 20.1.16 Orientation form that includes written documentation that the information in these regulations was reviewed as required; and
- 20.1.17 Record of annual training hours, if applicable.

## **21.0 General Human Resources and Personnel Policies**

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

## **22.0 General Qualifications**

- 22.1 A licensee shall ensure that each staff member has an understanding of and respect for children and their needs and for a child's family and culture.
- 22.2 A licensee shall ensure that use of alcohol or a drug that could adversely affect essential job functions, unlawful possession, manufacture or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place.
- 22.3 A licensee shall ensure that a background check is conducted on staff by the Delaware State Police. The appointment must be scheduled before the start of employment and the staff member shall not be alone with children until the background check results are received and suitability determined. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted within 30 calendar days of hire. Results of all record checks shall be placed in the staff member's file.

- 22.4 A licensee shall complete an adult abuse registry check through the Department of Health and Social Services' website [<http://dhss.delaware.gov/dhss/dltcrp/Default.aspx>] or other available mechanism for staff members on or before their first day of employment. The results are to be printed and added to the staff member's file.
- 22.5 A licensee shall not employ or retain a person as a staff member who is prohibited or disqualified from working in child care in Delaware. The licensee shall not employ or retain in any capacity a person convicted of an offense defined as child sex abuse in 11 **Delaware Code**, Section 8550 or whose child or children are currently removed from this individual's custody because of abuse or neglect or who are on the Child Protection Registry at a Level III or Level IV.

### **23.0 Adult Health Requirements**

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

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

- 24.1 A licensee shall develop, adopt, follow, and maintain on file written policies and procedures for handling an incident of suspected child abuse or neglect which occurs while a child is in or out of the center's care to comply with applicable laws.
- 24.2 Allegations of Abuse or Neglect against a Staff Member
- 24.2.1 The licensee shall ensure children are not abused or neglected.
- 24.2.2 The licensee shall take corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the center by a staff member; and
- 24.2.3 A staff member alleged to have perpetrated an incident of child abuse or neglect shall not have direct contact with any child, but may, at the discretion of the licensee, be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed.

### **25.0 Orientation**

- 25.1 A licensee shall document that all staff members, all substitutes, and volunteers working more than five days or 40 hours a year have been given an orientation training session before working with children. This includes the opportunity to ask questions and receive clarification and periodic updates, as information is revised, on their job functions, child care licensing regulations (a copy of which shall be readily accessible to staff), and center policies on the following:
- 25.1.1 Emergency preparedness, disaster and evacuation plans and procedures; personnel and administrative policies; positive behavior management; safe sleep procedures including prevention of sudden infant death syndrome, shaken baby syndrome and abusive head trauma; routine and emergency health care including health exclusions and prevention and recognition of the symptoms of childhood illnesses including reportable communicable diseases; prevention and response to emergencies due to food allergies; building and physical premises safety; handling and storage of hazardous materials; proper disposal of bio-contaminants; child accident and injury procedures; administration of medication; child care goals and program for children; recordkeeping; family involvement; food and nutrition services; safety and sanitation procedures; physical activity; screen time; photographing or videotaping children; transporting children, if applicable; and release of children;
- 25.1.2 Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and the center's procedures to report abuse and neglect; and
- 25.1.3 Information on federal or State laws or regulations applicable to children and families in care, including non-discrimination.

### **26.0 Owner of a Center**

- 26.1 The owner of a center shall be considered staff and actively involved if present at the center during regular hours of operation for seven or more hours per week or if working as a staff member as defined in these regulations. The personnel file of such an owner shall be on site and available for review and is only required to contain the following:
- 26.1.1 Job description;
- 26.1.2 Verification of annual training; if applicable

- 26.1.3 Verification of current first aid and CPR training;
- 26.1.4 A professional development plan within three months of start of ownership, if applicable;
- 26.1.5 Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or possession of a controlled substance is prohibited in the workplace; and
- 26.1.6 If transporting children, a copy of a current valid driver's license.
- 26.2 All owners of a center who do not meet the requirements of Subsection 26.1 are not required to have a personnel file on site.

## **27.0 Staff Qualifications**

- 27.1 A licensee shall ensure that sufficient qualified staff as described in these regulations are hired and retained in order to meet the requirements of these regulations. A copy of the qualifications certificate shall be maintained in the staff member's file.
- 27.2 Staff members qualified through the OCCL's designee, Department of Education, Delaware First, before the effective date of these regulations shall retain that qualification.
- 27.3 A licensee shall ensure that each staff member without a valid qualifications certificate at a center submits, within **[30 60]** days of hire, true and accurate written documentation to the OCCL's designee, currently Delaware First, showing how the staff member is fully qualified for a particular position. The qualifications certificate shall be maintained in the employee's file. The OCCL shall determine what education, training, or experience is acceptable as an equivalent to meeting stated qualifications. When applicable, credits from a regionally accredited college or university based on specific topic areas/titles may serve as a substitute for other equivalent training as approved or accepted by the OCCL or its designee. Supervised experience may be substituted for the required experience for designated positions and will reduce the amount of experience required by half.
  - 27.3.1 To participate in supervised experience as described in Subsections 27.5.1, 27.7, 27.8, and 77.3, a staff member must demonstrate during the designated period of continuous employment at a single licensed Delaware early care and education or school-age center, the ability to create, select, present, and evaluate developmentally-appropriate lessons, activities, and curriculum for individual children as well as for small and whole groups of children. For early childhood positions and school-age positions when the center does not employ a school-age administrator or school-age site coordinator each with a degree, demonstration must occur under the formal documented supervision of a qualified early childhood administrator or early childhood curriculum coordinator, each with a degree.
  - 27.3.2 In the event that false qualifications documentation is submitted to the OCCL or its designee, the applicant will be notified that the applicant will be unable to submit new or updated documentation for one year.
  - 27.3.3 The OCCL and its designee will only accept high school diplomas obtained through regionally accredited agencies. **[secondary credential assessment, such as ~~T~~he GED ® Test [and alternatives]** will only be accepted if the examination was completed through the American Council on Education or individual state-sanctioned agencies.
  - 27.3.4 Proof of a high school diploma or its equivalent, college transcripts, or proof of degree from another country used to verify qualifications for a position described in these regulations must be evaluated by an independent credentialing agency approved by the OCCL or its designee.
- 27.4 Early Childhood Administrator
  - 27.4.1 A licensee shall ensure that the early childhood administrator of the center is at least 21 years of age and meets the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College or University Credits<sup>1</sup></u>	<u>Experience<sup>2</sup></u>
<u>At least a bachelor's degree or associate degree from a regionally accredited college or university</u>	<u>All areas of study</u>	<u>Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three hour early childhood elective of the learner's choice</u>	<u>18 months of experience working with children ages birth through second grade in a group setting</u>
<sup>1</sup> Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as an early childhood administrator.			
<sup>2</sup> Three months of supervised student teaching of children birth through second grade may substitute for six months of the required experience.			

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

27.4.3 An early childhood administrator without a degree, who before the effective date of the January 1, 2007, regulations was known as the program director at a particular center, shall be able to serve as the early childhood administrator provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center and that has a qualified early childhood curriculum coordinator with at least an associate degree functioning in that role.

27.5 Early Childhood Curriculum Coordinator

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

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

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

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

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

**27.6.2** If the center serves school-age children, a licensee shall ensure that the individual functioning as either the early childhood administrator or early childhood curriculum coordinator has successfully completed 15 clock hours of approved training in school-age care. The clock hours may be translated from the college or university credits and included in the total number of college or university credits required for the position.

A center employing a qualified individual who functions as a school-age administrator shall be exempt from this requirement.

**27.7 Early Childhood Teacher**

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

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

**27.8 Early Childhood Assistant Teacher**

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

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

## 27.9 Early Childhood Caregiver

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

27.9.2 The position of early childhood caregiver is acceptable provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center.

## 27.10 Early Childhood Intern

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

27.10.1.1 Successful completion of at least ~~[a single]~~ 15-~~[clock hours of]~~ quality-assured training ~~[course for center-based care recognized by the OCCL such as Delaware First's "Child Development" or "Introduction to Center-Based Care" or equivalent]~~ in early care and education];

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

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

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

27.10.2.1 Walking children to or from a bathroom;

27.10.2.2 Walking children to or from receiving first aid treatment;

27.10.2.3 Walking children to or from a bus stop;

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

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

## 27.11 Early Childhood Aide

27.11 An early childhood aide must be at least 16 years of age or 15 years of age if attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center. An early childhood aide must always be under the direct observation of at least an early childhood assistant teacher or early childhood caregiver, may not be alone with children, and must be at least four years older than any

child in his or her direct care. An early childhood aide will count in the staff/child ratio only during the first 12 months of employment at a single center. An early childhood aide attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center, may count in the staff/child ratio while enrolled in the high school program.

**28.0 Staffing**

- 28.1 A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood administrator.
- 28.2 A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood curriculum coordinator.
- 28.3 An early childhood administrator shall also be able to serve as the early childhood curriculum coordinator provided the early childhood administrator meets the qualifications with at least an associate degree and:
  - 28.3.1 The center has a capacity of 60 or fewer children; or
  - 28.3.2 The licensee shall ensure through a written plan approved by the OCCL that the center's administrative duties such as human resources/personnel and fiscal are not the responsibility of the early childhood administrator. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL.
- 28.4 A licensee shall ensure that a staff member who meets the qualifications and functions as an early childhood administrator or early childhood curriculum coordinator is at the center at least 60% of the hours of operation. The early childhood administrator shall be present at least 20 hours a week or 30% of the hours of operation.
  - 28.4.1 When the early childhood administrator or early childhood curriculum coordinator is not present, an assigned staff member that at least meets the qualification of early childhood teacher is present and specifically designated as responsible for the early care and education and school-age center. This staff member shall have documented training in the day-to-day operations of the center such as the center's emergency procedures, opening/closing procedures, location of and access to child and staff files, and supervision of children and staff.
  - 28.4.2 If an early childhood administrator is responsible for two or more centers, each with capacities of 60 or fewer children, a staff member who meets the qualifications for the position of an early childhood administrator or early childhood curriculum coordinator shall be at each center at least 50% of the hours of operation.
- 28.5 A licensee shall follow a one-to-four ratio of early childhood teachers to early childhood assistant teachers, early childhood caregivers, early childhood interns, and early childhood aides as indicated in the table below during all hours of operation:

<b>Number of Early Childhood Teacher(s)</b>	<b>Total Number of Early Childhood Assistants, Caregivers, Interns, and Aides</b>
<u>1</u>	<u>1 to 4</u>
<u>2</u>	<u>5 to 8</u>
<u>3</u>	<u>9 to 12</u>
<u>4</u>	<u>13 to 16</u>
<u>5</u>	<u>17 to 20</u>
<u>(continue as needed)</u>	

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

**29.0 Staff Communication**

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

**30.0 Ratios, Group Size, and Supervision**

30.1 A licensee shall ensure that direct supervision of children is provided at all times through the assignment of qualified staff physically present and working with children to maintain the following minimum staff/child ratio and maximum group size for each age group listed during daily activities at the center as indicated in the table below:

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

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

- 30.2 A licensee shall maintain the full staff/child ratio for infants at all times and a staff member shall be assigned to care for specific infants and toddlers within their group.
- 30.3 For mixed age groups, the staff/child ratio and group size requirements are those for the age of the youngest child present.
- 30.4 A licensee shall ensure that during nap times when children one year and older are sleeping, at least half of the required staff are physically present with each group of children and directly observing the children. Maximum group size shall be maintained.
- 30.5 A licensee shall have at least two staff present when seven or more children one year and older are present. When six or fewer children one year and older are present with only one staff member, that staff member must be qualified at least as an early childhood teacher. The licensee shall have and follow emergency procedures providing immediate access to emergency services and additional staff when only one staff member is present with children at the center.
- 30.6 A licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children unless 12 or fewer children in total are present or during the first **[90 minutes]** and last **[hour 90 minutes]** of a center's hours of operation. Maximum group size does not have to be maintained when 12 or fewer children are present in the center. Mixing of age groups is permitted for special events or occasions.
- 30.7 A licensee shall ensure that when 10 or more school-age children are in attendance, the school-age children are cared for in an area physically separated from younger children.

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

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

**31.2 Substitutes**

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

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

age site assistant at all times. When the position of early childhood administrator or early childhood curriculum coordinator, if applicable, is vacant for 30 days or more, a substitute or person filling that role must be qualified for and function in the designated position.

### **31.3** Volunteers

31.3.1 Volunteers without a complete personnel file may not be alone with children and must always be supervised by at least the designated early childhood teacher or designated school-age site assistant who has been assigned responsibility for the early care and education or school-age center. If working with children, volunteers must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times, including while transporting children or on field trips.

31.3.2 A licensee shall ensure that volunteers are at least 16 years of age and counted for the purposes of staff/child ratios only when it is documented that they are fully qualified for the particular position in which they are volunteering.

31.3.3 Volunteers providing unpaid services of less than five days or 40 hours a year shall not be required to have background checks and may never be alone with children. Volunteers providing unpaid services of more than five days or 40 hours a year are required to have background checks.

31.3.4 Volunteers working as part of an institution of higher education's degree-granting program and assigned to an early care and education and school-age center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the center. A complete file is not required.

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

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

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

## **32.0** Annual Training

32.1 A licensee shall ensure and provide documentation that the early childhood and school-age administrator and all staff providing direct care to children, including an actively-involved owner, participate in annual training directly related to the staff member's position. Training in administration of medication shall count toward annual training. Training in CPR and First Aid shall count toward a staff member's annual training requirement, for initial certification, and when required for certification renewal.

32.1.1 Staff members, including early childhood or school-age administrators working 25 or more hours per week, shall participate in at least 18 clock hours of training annually.

32.1.2 Staff members, including early childhood or school-age administrators working less than 25 hours per week, shall participate in at least nine clock hours of training annually.

32.1.3 For the purposes of this subsection, owners, substitutes, or volunteers that count in staff/child ratios and work or volunteer seven hours or more per week, shall be required to complete annual training as specified in Subsections 32.1.1 and 32.1.2. Owners, substitutes, and volunteers who work less than seven hours per week and that do not count in staff/child ratios shall be exempt from annual training requirements.

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

32.2 All training shall be in topic or core areas associated with improving quality in early care and education and school-age care. Topics shall include the following core areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration.

32.3 Training taken must cover a minimum of three core areas unless documented in the individual's annual professional development plan by the facility's early childhood or school-age administrator that other training is needed or if the staff member is applying credits for successfully completing a regionally accredited college or university course, successfully working toward a credential issued by the Delaware Department of Education, or when the training is six or more clock hours in length.

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

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

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

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

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

34.1 Unless staff is currently certified, a licensee shall document during an orientation period, not to exceed two months of hire, that staff qualified to be alone with children complete classroom-based certifications in First Aid and in cardio-pulmonary resuscitation or CPR which require a skill demonstration and is appropriate to the ages of the children staff are assigned to care for. Certifications shall be maintained.

34.2 At least one staff member properly certified in First Aid and CPR training, applicable to the ages of the children, must be present during all hours of operation when children are in attendance, including the beginning and end of the day and during off-site activities such as outings or field trips.

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

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

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

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

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

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

35.1.5 [Upon request, Aa] procedure for informing the parent/guardian of the identities of the governing body members and owners, as applicable;

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

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

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

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

35.1.10 Procedures related to release of children;

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

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

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

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

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

## **PART III PHYSICAL ENVIRONMENT AND SAFETY**

### **36.0 General Safety Practices**

- 36.1 A licensee shall show evidence of security procedures that ensure access to children is limited to authorized people.
- 36.2 A licensee shall ensure that every building or part thereof that is used as a center, is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local and municipal regulatory bodies with written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation, and fire safety.
- 36.3 A licensee shall maintain all areas of the center in a clean, safe condition free from hazards. This includes floors, walls, counter surfaces, toilets, or any rough surfaces or finishes that may present a hazard to health and safety.
- 36.4 A licensee shall ensure that all structures, fences, equipment, and grounds are maintained in a clean, safe condition so as to be free from hazards to health and safety, including appropriate lighting of outdoor areas that are used while it is dark. Grounds shall drain either naturally or through installed drainage systems so there is no standing drainage water on the premises. All areas at the center determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots shall be fenced off or have natural barriers to protect children.
- 36.5 A licensee shall ensure that the center is free of hazardous materials and shall maintain evidence that, if the building were constructed in or before 1978, the center has been tested for and found to be free of lead-based paint hazards. Buildings constructed after 1978 are exempt from lead-paint testing.
- 36.6 A licensee shall ensure that the temperature of the water from all water faucets and other sources accessible to children in care not exceed 120° F. All sinks shall supply hot and cold water under pressure at all times and all plumbing shall comply with State and local plumbing codes. Water supply and the sewage disposal shall be approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively. Portable sinks are prohibited.
- 36.7 In areas accessible to children, only containers designated for clean, recyclable paper may be present without a cover. A licensee shall ensure that garbage and trash are stored securely in non-combustible, covered containers. Indoor containers shall be emptied at least daily to an outdoor receptacle and kept clean. Outdoor trash/garbage containers shall be inaccessible to children, emptied at least weekly, and, with the exception of dumpsters, cleaned as needed.
- 36.8 A licensee shall ensure that containers of poisonous, toxic, or hazardous materials are prominently and distinctly marked or labeled for easy identification as to contents. These materials shall be used only in the manner and under the conditions that will not contaminate food or constitute a hazard to the children in care or to staff. These materials shall be stored in a locked storage space accessible only to authorized staff. Materials required for routine cleaning and maintenance shall be stored and used in a safe manner. The storage of flammable liquids and gases shall not be permitted in the center except as allowed by the Office of the Fire Marshal.
- 36.9 A licensee shall ensure that porches and elevated walkways or surfaces of more than two feet in height have hazard-free barriers to prevent falls, and stairways, over four steps inside and out, have handrails at a maximum of 38 inches high and are safe for children and adults.
- 36.10 A licensee shall ensure that every exit, exit access, and exit discharge is free of obstruction at all times. All closets shall be provided with doors that can be readily opened from both sides.
- 36.11 A licensee shall ensure that glass door panels and windows within 36 inches of the floor have safety guards at children's eye level such as rails or mesh or be of safety-grade glass or polymer and equipped with a vision strip or decal.
- 36.12 A licensee shall ensure that all buildings used by a center are rodent-free and free of insect infestation.
- 36.13 An individual with current water safety instructor training or senior lifesaving training from the American Red Cross or its equivalent shall be on duty when the children in care are swimming. Portable wading pools shall be prohibited and permanent or built-in swimming and wading pools that are left filled when not in use shall be inaccessible to children.
- 36.14 A licensee shall ensure that a center has child-proof receptacle covers in electrical outlets accessible to children including power strips not in use, or has electrical outlets that are of the child-resistant ground-fault circuit-interrupter or GCFI type.
- 36.15 A licensee shall ensure that a center is ventilated to ensure that the air quality within the center provides a healthy environment for children and adults. Insect screening in good repair shall be used for all exterior doors and operable windows when the doors and windows are used for ventilation, provided that all requirements for

fire safety have been met. If a ventilation system is not provided, a center shall have window area equal, at a minimum, to 4.5% of the floor area of the center. Half of this window area shall be operable.

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

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

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

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

### **37.0 Smoking Prohibited**

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

### **38.0 Indoor Space**

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

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

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

### **39.0 Area for Children Who Become Ill**

39.1 A licensee shall ensure that a center has a separate area, not located in the kitchen or toilet area, where children who are exhibiting illnesses or symptoms requiring exclusion from the center are cared for until they can be removed from the center or are determined to pose no risk to themselves or others.

39.2 The separate area shall be furnished with rest equipment provided with clean bedding.

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

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

### **40.0 Outdoor Climate and Space**

40.1 ~~[A licensee shall provide daily opportunities for outdoor play daily when weather and environmental conditions do not pose a significant health or safety risk (wind chill factor at or below 15° F or heat index at or above 90° F).~~ Weather permitting, a licensee is required to provide daily opportunities for outdoor play when the wind chill factor is 32°F or higher or the heat index is 89°F or lower and the weather and environmental conditions do not pose a significant health or safety risk. Outdoor play during periods outside this temperature range shall be at the discretion of the provider, unless the National Weather Service ([www.weather.gov](http://www.weather.gov)) has issued an advisory regarding health or safety risks for the local area.] Children shall be appropriately dressed for the weather.

- 40.2 A licensee shall maintain or have access to an outdoor play area with at least 75 square feet for each child for the maximum number of children who will use the playground at one time with a space suitable for gross motor moderate to vigorous physical activities, including running. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time.
- 40.3 A licensee shall ensure that the outdoor play area for school-age children is physically separated or used at separate times from the area provided for younger children.
- 40.4 A center licensed before the effective date of the January 1, 2007, regulations shall maintain or have access to an outdoor play area with at least 50 square feet for each child for the maximum number of children who will use the playground at one time. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time. If the capacity of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the outdoor play area is in compliance with these regulations.
- 40.5 A licensee shall ensure that the outdoor play area is situated adjacent to or within close proximity to the center, is available daily to the children by a safe route, and has a shaded rest area for children. Staff shall inspect outdoor areas before children begin to play to ensure there are no hazards present and play equipment is safe for use. Outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner including being covered when not in use. Use of trampolines is prohibited.
- 40.6 A licensee shall ensure that the center's outdoor play areas are fenced. Use of parks or other off-site play areas that are not fenced and used to comply with the outdoor space regulations requires OCCL approval. Fencing shall be sturdy, safe, and reinforced at intervals so as to give support, constructed to discourage climbing, and not prevent observation of children by staff and shall be a minimum of four feet in height with openings no larger than 3½ inches. Fenced areas shall have at least two exits, with at least one being remote from the building. Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or of a type that small children cannot open it.
- 40.7 For a center licensed before the effective date of the January 1, 2007, regulations, the existing fencing shall be acceptable as long as it is safe, free from hazards, and in good repair. When the fencing is replaced, the new fencing shall fully comply with these regulations.
- 40.8 A licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zones of climbing equipment, slides, swings, and similar equipment is of approved resilient material which absorbs falls. The fall zone depth and materials shall follow the instructions as listed in the most recent publication of the U.S. Consumer Product Safety Commission's or CPSC *Handbook for Public Playground Safety* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpscpub/pubs/325.pdf>). All materials used for protective surfaces shall be of a size that prevents choking and all surfaces of the outdoor play area shall be made of materials that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing. Protective surfaces of the fall zone shall extend at least six feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar unless otherwise directed by the CPSC or other recognized authority on playground safety.

<u>Inches</u>	<u>Type of Material</u>	<u>Protects to Fall Height</u>
<u>6</u>	<u>Shredded/recycled rubber</u>	<u>10 feet</u>
<u>9</u>	<u>Sand</u>	<u>4 feet</u>
<u>9</u>	<u>Pea gravel</u>	<u>5 feet</u>
<u>9</u>	<u>Wood mulch</u>	<u>7 feet</u>
<u>9</u>	<u>Wood chips</u>	<u>10 feet</u>
<u>Poured-in-place surfacing or rubber mats designed for outdoor use, if used, must be in the required fall zone and at a sufficient depth or thickness as required by manufacturer's specifications or other approved entity.</u>		

- 40.9 Outdoor play equipment must be securely anchored unless portable by design, in good repair, and placed with regard for safe use and include equipment for vigorous play and large muscle activity with attention to the needs of the diversity of children served and their abilities to participate.
- 40.10 When a licensee can demonstrate that the outdoor space regulation cannot be met, the licensee shall provide at the site of the center, in addition to the indoor space required by these regulations, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity. The licensee shall have and follow a written plan approved by the OCCL which specifies how large muscle activity will be provided.

- 40.11 For a center licensed before the January 1, 2007, regulations, the indoor space as indicated in these regulations may be at a nearby facility that was previously used and approved by the OCCL unless the capacity of the center increases or the physical plant of the center changes, allowing room for an indoor play space.
- 40.12 A licensee shall ensure that a roof-top or elevated play space above the first floor is protected by a non-climbable, secure, and hazard-free barrier that is at least seven feet in height.

#### **41.0 Riding Toys**

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

#### **42.0 Sleeping Accommodations**

- 42.1 A licensee shall ensure that the program provides physical care routines including opportunities for rest/sleep for each child in attendance appropriate to each child's individual physical needs. Rest or sleeping equipment shall meet the safety standards required by the U.S. Consumer Product Safety Commission or other recognized authority approved by the OCCL and maintained in a safe condition. The rest area shall be lighted enough to allow for visual supervision. An alternative quiet activity shall be provided for those children who have rested or slept for 30 minutes and do not seem to need or want additional rest or sleep.
- 42.2 A licensee shall ensure that each child, except school-age children who do not sleep at the center, has clean, safe, age-appropriate individual rest equipment such as a crib, playpen, pack-and-play (without ripped mesh), cot, bed, or mat and permitted bedding. A child's rest equipment shall be labeled with the child's name or assigned chart number and used only by that child while attending the program. Chart numbers and assignments shall be documented, kept current, and available for review.
- 42.2.1 Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings. Seasonably-appropriate top and bottom coverings, such as sheets and blankets, shall be provided for each child over the age of one year. Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet. A tight-fitting bottom mattress sheet is required for infants.
- 42.2.2 Cots, mats, and crib mattresses shall be cleaned with soap and water and sanitized at least weekly and when soiled or wet. Rest equipment and bedding shall be cleaned and sanitized before being assigned to another child. Sleeping mats shall be stored so there is no contact with the sleeping surface of another mat or disinfected after each use.
- 42.2.3 Each child under 18 months of age and not walking shall sleep in a crib, playpen, or pack-and-play. A child who is between 12 and 18 months of age and is walking may sleep on a cot, bed, or mat and permitted bedding with written permission from the child's parent/guardian.
- 42.3 A licensee shall ensure that cribs and other rest equipment are placed at least 1½ feet apart while in use.
- 42.4 Safe Sleep Practices for Infants and Sudden Infant Death Syndrome or SIDS/Suffocation Risk Reduction
- 42.4.1 Cribs must meet the current standards of the U.S. Consumer Product Safety Commission or other safety authority recognized by the OCCL.
- 42.4.2 Cribs shall not be stacked while in use.
- 42.4.3 Crib mattresses shall be firm and tight-fitting with a tight-fitting bottom sheet only. Pillows, bibs, blankets, bumper pads, cloth diapers other than those worn by an infant, comforters, flat sheets, quilts, sheepskin, sleep positioning devices (except as described in Subsection 42.5), stuffed toys, top sheets, and other items (except a pacifier, if used) are prohibited in a crib. Toys or objects attached to sleeping or rest equipment are prohibited.
- 42.4.4 Soft surfaces such as soft mattresses, pillows, sofas, and waterbeds are prohibited as infant sleeping surfaces.
- 42.4.5 Swaddling of infants requires written parent/guardian consent. The use of blankets for swaddling shall not be used when laying an infant down to sleep; swaddle-blanket sleepers may be used.
- 42.5 Infants shall sleep only in cribs, playpens, or pack-and-plays and be placed on their backs when laid down to sleep or in accordance with the recommendations of the American Academy of Pediatrics. An exception may be granted if the infant's health care provider documents in writing that the infant's physical or medical condition requires an alternative sleeping position or use of a sleep-positioning device. The health care

provider must stipulate the specific sleeping position in which that infant must be placed or stipulate the sleep-positioning device and how it shall be used.

#### **43.0 Toilet Facilities**

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

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

<u>Ages of Children</u>	<u>Ratio of Number of Toilets to Number of Children <sup>1, 2</sup></u>
<u>24 Months through preschool</u>	<u>1:10</u>
<u>School-age</u>	<u>1:25</u>
<u><sup>1</sup> Urinals may be counted as half of a toilet for the purposes of this calculation if placed at a height as to be accessible to the age and size of the population served, provided the population served includes a significant number of males, and that a minimum of two flush toilets are available and accessible to both males and females.</u>	
<u><sup>2</sup> Staff shall be counted at the school-age ratio in determining the number of toilets if the center does not provide separate toilet facilities for staff.</u>	

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

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

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

43.6 A licensee shall provide liquid soap, toilet paper, and single service towels or a mechanical hand-drying device in the toilet rooms and make them accessible to the children.

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

#### **44.0 Sanitation**

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

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

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

#### **45.0 Hand Washing**

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

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

#### **46.0 Standard Precautions**

- 46.1 A licensee shall employ standard precautions for protection from disease and infection. Staff involved in cleaning contaminated surfaces shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces.
- 46.2 Spills of vomit, urine, and feces on a surface including the floors, walls, bathrooms, tabletops, toys, and diaper-changing tables shall be immediately cleaned with soap and water and then disinfected.

- 46.3 Non-porous gloves shall be used for spills of blood or blood-containing body fluids and injury and tissue discharges on a surface, which shall be immediately cleaned with soap and water and then disinfected. Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie.

#### **47.0 Diapering**

- 47.1 A licensee shall have and follow an established procedure for checking diapers for wetness and feces at least hourly, visually inspecting at least every two hours, and whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. Diapers and other clothing shall be changed when they are found to be wet or soiled. Diaper changes shall be documented for infants. Soiled or wet clothing shall be changed and placed in a sealed plastic container or bag labeled with the child's name and returned to the child's parent/guardian at the end of the day.
- 47.1.1 The licensee shall ensure that a supply of clean diapers and extra clothing are available for each child either by providing them directly or requiring the parent/guardian to provide.
- 47.1.2 The licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and are placed in a sealed plastic container or bag separate from a child's wet or soiled clothing, labeled with the child's name, and returned to the child's parent/guardian at the end of the day.
- 47.2 A licensee shall ensure that a center has a diaper-changing area with a clean, washable, and non-absorbent surface that shall not be located in the kitchen area. Disposable covers for the diaper-changing area shall be used for each diaper change. There shall be a separate hand-washing sink with running warm water within five feet of the changing area that is cleaned with soap and water and disinfected before food preparation.
- 47.3 A licensee shall ensure that used disposable diapers are placed in a foot-activated container that is used exclusively for diapers, lined with a leak-proof or impervious liner, within arm's reach of the changing area, inaccessible to children, and sanitized daily. Diapers shall be removed from the center daily or more frequently if needed to prevent accumulation of odors, and placed in a closed container that is outside the building and used for trash collection.
- 47.4 A licensee shall have and follow an established procedure for changing diapers that is posted in the diaper changing area and includes at least the following items:
- 47.4.1 The licensee shall ensure that staff members use a diaper-changing area and dispose of disposable diapers and disposable covers in accordance with these regulations;
- 47.4.2 The licensee shall ensure that staff members wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth and wash their hands and the hands of the child with soap and water immediately after each diaper change; and
- 47.4.3 The diaper changing area shall be cleaned with soap and water and then sanitized with a disinfectant solution after each use in accordance with these regulations and the manufacturer's instructions.

#### **48.0 Food Service and Preparation**

- 48.1 On request by the OCCL, a licensee shall contact the Division of Public Health before opening a center to determine whether the center requires a Food Establishment permit.
- 48.2 A licensee of a center that conducts a food operation which does not require a Food Establishment permit shall not change that type of food operation to one which requires a Food Establishment permit, except as approved by the Division of Public Health.
- 48.3 A licensee shall ensure that a kitchen or food preparation area is provided with the necessary operable equipment to prepare, store, serve, and clean-up all meals and snacks for children and staff. A center that does not prepare food on-site is exempt from Subsection 48.3. There can be no food preparation in the facility and all utensils and dishware must be single-service and discarded after each use. The minimum kitchen requirements for all centers that prepare meals or snacks are:

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

- 48.4 A licensee shall ensure that floors, walls, and counter surfaces that food comes in contact with are easily cleanable and waterproof.
- 48.5 A licensee shall ensure that a center has refrigeration with sufficient capacity to keep perishable food, including lunches prepared at home, cold to 40° F or colder, and food stored in a freezer frozen at 0° F or colder. A working thermometer shall be in all refrigerators, freezers, and freezer compartments. Freezer compartments in mini-refrigerators that are not used are excluded from this regulation.
- 48.6 A licensee shall ensure that all food provided~~;~~ **and** prepared~~;~~ **and by the center and then** served to children by a center complies with the center's written policy on nutritional quality, is clean, wholesome, free from spoilage and contamination, correctly labeled with contents and date of preparation, and safe for human consumption. Storage areas for food shall be cleanable and free of food particles, dust, and dirt. All food items shall be stored off the floor, separate from cleaning materials, and in closed or sealed containers that are labeled with contents and expiration date.
- 48.7 A licensee shall ensure that the kitchen or food preparation area is constructed and supervised to prevent access by children unless staff is conducting a specific supervised educational activity within the kitchen or food preparation area.

#### **49.0 Emergency Planning**

- 49.1 A licensee shall have and follow a written emergency plan describing procedures for both natural and man-made disasters. The emergency plan shall include procedures for training staff for both natural and man-made disasters in at least the following areas:
- 49.1.1 Disaster preparedness;
  - 49.1.2 Staff's specific responsibilities during a disaster;
  - 49.1.3 Accounting for children and staff;
  - 49.1.4 Relocation process (if appropriate);
  - 49.1.5 Communication and reunification with families;
  - 49.1.6 Accommodations of infants, toddlers, and children with disabilities or chronic medical conditions;
  - 49.1.7 Continuation of child care services in the period following the emergency disaster.
  - 49.1.8 Contacting appropriate emergency response agencies and the parents/guardians; and
  - 49.1.9 Lock down procedures.
- 49.2 Monthly evacuation drills shall be practiced from all exit locations at varied times of the day and during varied activities including nap time. Evacuation routes and a written evacuation plan of the center shall be posted in each room that the children use. Each drill shall be documented and include:
- 49.2.1 The date and time of day of the drill;
  - 49.2.2 Number of children and staff members who participated;
  - 49.2.3 Exits used; and
  - 49.2.4 Total amount of time necessary to evacuate the center.
- 49.3 A licensee shall develop and follow a written plan describing procedures to shelter-in-place (stay indoors) at the child care center for up to 24 hours due to a natural or man-made disaster that includes a list of emergency

supplies including having a sufficient quantity of non-perishable foods, bottled water, and equipment necessary to serve or prepare foods at the center without the use of electricity and have and follow procedures for feeding children and staff during the extended stay at the center.

## **50.0 Firearms**

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

## **51.0 Pets**

A licensee shall ensure that a pet kept by or located in the center is cared for in a safe and sanitary manner and that proof of vaccination as prescribed by State law is maintained on site (currently this includes rabies vaccinations for dogs and cats). Poisonous or aggressive animals or animals that are known to be carriers of illnesses such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds or birds of the parrot family, or are sick with a disease that can be spread to humans may not be kept or brought into the center.

## **52.0 Telephones**

52.1 A licensee shall ensure that a center has a working, publicly-listed telephone with an operating voice mail feature that allows a caller to leave a voice mail message. Changes to the phone number shall be provided to the parent/guardian, staff, and the OCCL within one business day.

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

## **53.0 Transportation**

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

53.2 A licensee shall develop, follow, and inform the parent/guardian of the center's written transportation policy that complies with current federal, State, and local laws regarding transportation of children and ensures that each child is secured at all times in an individual safety restraint system that is properly installed and appropriate to the age, weight, and height of the child while the vehicle, other than a school bus, is in motion. This policy shall have procedures that are followed to ensure that children are released only to people authorized by the parent/guardian and never left unattended in a vehicle used by the center. If a school bus is used for transportation, a child preschool-age or younger shall be transported only when the bus is properly equipped with child safety restraints. An exception may be made when written permission is received from the parent/guardian stating that he/she has been informed that the National Highway Traffic Safety Administration recommends that children in this age group always be transported in school buses properly equipped with child safety restraints and that he/she gives permission allowing the child to be transported on a school bus unrestrained.

53.3 A licensee shall ensure that a vehicle used to transport children shall:

53.3.1 Have and use an operable heater capable of maintaining a temperature of at least 50° F in the vehicle;

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

53.3.3 Have a working telephone;

53.3.4 Have a traveling first aid kit;

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

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

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

53.4 A licensee shall obtain written permission from the parent/guardian for all transportation provided by the center. A licensee shall document arrangements with the parent/guardian and the child's school regarding transportation provided by the licensee to and from the child's school. A licensee shall inform the parent/guardian of the identity of each vehicle's operator or transportation company and require the parent/guardian to specify a special need or problem of the child which might require special attention during transportation.

**54.0 Field Trips and Program Outings**

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

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

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

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

54.3 Staff/Child ratio for field trips and routine programs outings:

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

	<b>Age of Child</b>	<b>Minimum Staff/Child Ratio</b>
Infant	<u>Under 12 months</u>	<u>1:02</u>
Young toddler	<u>12 through 23 months</u>	<u>1:04</u>
Older toddler	<u>24 through 35 months</u>	<u>1:06</u>
Young preschool child	<u>36 through 47 months</u>	<u>1:08</u>
Older preschool child	<u>48 months or older and not yet attending kindergarten or higher</u>	<u>1:10</u>
School-age child	<u>Attending kindergarten or higher</u>	<u>1:15</u>

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

**55.0 Health Care Consultation**

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

**56.0 Child Health and Well-Being**

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

**57.0 Child Health Appraisal**

57.1 A licensee shall ensure that within one month following admission, the licensee has on file an age-appropriate health appraisal including a record of administered immunizations conducted within the last 12 months before admission for each child in attendance unless required by law to be admitted without a health appraisal such as specified in the McKinney-Vento Homeless Assistance Act or applicable federal, State, and local laws and regulations. Health appraisals and immunization records shall be certified by a health care provider and updated within 13 months or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

57.1.1 A health history and physical examination including growth and development and documentation of the results of recommended or required screening/testing such as for blood-lead or tuberculosis; and

57.1.2 Recommendations regarding required medication, restrictions, or modifications of the child's activities, diet, or care and medical information pertinent to treatment in case of emergency.

57.2 A licensee shall ensure that for children in grades kindergarten or higher, a copy of the school-age health appraisal must be on file at the center within 30 days of the child's enrollment or participation in the center as a school-age child. A school-age health appraisal does not need to be updated yearly.

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

## **58.0 Observation**

A licensee shall ensure that each child is observed on arrival by a staff member trained in recognizing common signs of communicable disease, physical injury, other evidence of ill health [as listed in Section 59], and signs of child abuse or neglect. Specific concerns and observations as well as the steps taken to assist the child shall be documented in written form and maintained in the child's file. A person who suspects child abuse or neglect shall make a report to the Child Abuse Report Line.

## **59.0 Health Exclusion**

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

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

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

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

59.1.4 Uncontrolled diarrhea; that is, increased number of stools, increased stool water, and/or decreased form that is not contained by the diaper until diarrhea stops; if diarrhea is accompanied by fever, exclude for 48 hours following resolution of symptoms;

59.1.5 Blood in stools not explainable by dietary change, medication, or hard stools;

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

59.1.7 Persistent abdominal pain (continues more than two hours) or intermittent pain associated with fever or other signs or symptoms;

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

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

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

59.1.11 Scabies, until 24 hours after treatment has been initiated;

59.1.12 Pediculosis or head lice, until 24 hours after treatment has been initiated;

59.1.13 Tuberculosis, until a health care provider states the child is on appropriate therapy and can attend care;

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

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

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

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

59.1.18 Pertussis, until five days of antibiotic treatment;

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

- 59.1.20 Hepatitis A virus, until one week after onset of illness, jaundice, or as directed by the Delaware Division of Public Health when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;
- 59.1.21 Measles, until four days after appearance of rash;
- 59.1.22 Rubella, until seven days after appearance of rash;
- 59.1.23 Herpetic gingivostomatitis or cold sores, if the child is too young to have control of oral secretions; or
- 59.1.24 Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater care than can be provided without comprising the health and safety of other children.
- 59.2 Temperatures for children under four years of age shall be taken using a non-glass thermometer by the axillary method or under the arm or by the temporal scanner thermometer or forehead scan. Oral temperatures may be taken on three-and four-year old children when a digital thermometer is used. Rectal and ear temperatures may be taken only by a licensed health care professional.
- 59.3 A licensee shall ensure that if a child who has already been admitted to a center manifests illnesses or symptoms specified in these regulations, the licensee will remove the child from the group of well children to a separate area as described in Section 39.0.
- 59.4 A licensee ~~[shall ensure that the child may permit a child to]~~ may return to the center when the symptoms are no longer present ~~[or a, written documentation from the child's]~~ health care provider indicates the child has been diagnosed and the illness or symptoms poses no serious health risk to the child or to other children **[or the child does not present symptoms for exclusion as contained in the center's written health exclusion policy].**
- 59.5 A licensee shall report reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable diseases, the licensee shall contact the Division of Public Health or refer to the website currently listed as <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.
- 59.6 A licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health, to be admitted to or remain at the center, unless written documentation from the child's health care provider states the child has been evaluated and the disease presents no risk to the child or to others or the licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others. If there is conflict in the opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the licensee shall follow the instructions of the Division of Public Health.
- 59.7 A licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the center in accordance with Division of Public Health procedures.

## **60.0 Administration of Medication**

- 60.1 A licensee shall ensure that only trained staff members who are at least 18 years of age and authorized in accordance with State law, or health care providers, nurses, or other qualified medical health personnel administer medication to children in a center. Written permission from the child's parent/guardian for each medication to be administered is required. Unused medication shall be returned to the parent/guardian when no longer needed by the child.
- 60.2 A licensee shall ensure that the parent/guardian of a child provides the following information for each medication given:
- 60.2.1 The name and birth date of the child;
  - 60.2.2 Medication allergies;
  - 60.2.3 Doctor's name and phone number;
  - 60.2.4 Pharmacy name and phone number;
  - 60.2.5 Name of medication;
  - 60.2.6 Dosage (amount given);
  - 60.2.7 Time or frequency (when given);
  - 60.2.8 Route of administration (oral, eye, nose, or throat drops; topical);
  - 60.2.9 Medication expiration date;
  - 60.2.10 End date;
  - 60.2.11 Reason for medication; and
  - 60.2.12 Special directions.

- 60.3 A licensee shall ensure that all prescription medication is given as prescribed:
- 60.3.1 Stored securely and inaccessible to children;
  - 60.3.2 Refrigerated (if applicable) in a closed container separate from food;
  - 60.3.3 In its original container and properly labeled with directions for its administration;
  - 60.3.4 Current and not expired;
  - 60.3.5 Authorized by the child's health care provider; and
  - 60.3.6 Given only to the child whose name appears on the prescription in the manner and dosage specified in the instructions on the container.
- 60.4 A licensee shall ensure that all non-prescription medication is given as instructed:
- 60.4.1 Stored securely and inaccessible to children;
  - 60.4.2 Refrigerated (if applicable) in a closed container separate from food;
  - 60.4.3 In its original container, properly labeled with directions for its administration;
  - 60.4.4 Current and has not expired;
  - 60.4.5 Labeled with the child's name; and
  - 60.4.6 Given as specified in the instructions on the container unless otherwise specified in writing by the child's health care provider.
- 60.5 A licensee shall keep a written record of medication administered to children recorded on the Medication Administration Record or MAR including medication dosage, time administered, by whom administered, adverse effects observed, and medication errors (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route). Adverse effects or errors in administering shall be immediately reported to the parent/guardian. When known to the center, adverse effects or errors in administering medication that result in medical treatment shall be reported within one business day to the OCCL, **followed by a written report within three business days**. Documentation of the error or adverse effects shall be maintained in the child's file.
- 60.6 Documentation of administration of medication shall be placed in the child's file or in a central administration of medication log and kept while the child is enrolled in the center.

## **61.0 Child Accident and Injury**

- 61.1 A licensee shall ensure that when an accident or injury occurs to a child during the hours of care, a center's staff member takes emergency action to protect the child from further harm, calls emergency medical services if needed, and notifies the child's parent/guardian.
- 61.1.1 For a serious or potentially serious injury, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child. A less serious accident or injury requires parent/guardian notification before releasing the child from care that day.
  - 61.1.2 The licensee shall maintain a written injury report in the child's file or a central log for the center for each incident that includes the name of child, date of injury, description of injury, how it occurred, first aid or medical care provided, and parent/guardian/[authorized release person] signature.
  - 61.1.3 The licensee shall maintain a written record **[for serious injuries]** of when the parent/guardian was notified or of attempts to notify the parent/guardian.
- 61.2 In the event of a significant child medical event, such as a seizure, asthma attack, or severe allergic reaction, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child, including contacting emergency medical services as needed.
- 61.3 When known, the licensee shall report to the OCCL an accident or injury that results in death or medical/dental treatment **[other than first aid provided at the center]** of a child as described in Section 13.0.

## **62.0 First Aid Kits**

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

<b><u>Items Required in Center First Aid Kits</u></b>	<b><u>Items Required in First Aid Kits Used on Field Trips/ Program Outings</u></b>
<u>Disposable nonporous gloves</u>	<u>Disposable nonporous gloves</u>
<u>Scissors</u>	<u>Scissors</u>
<u>Tweezers</u>	<u>Tweezers</u>

<u>A non-glass thermometer to measure a child's temperature</u>	<u>A non-glass thermometer to measure a child's temperature</u>
<u>Bandage tape</u>	<u>Bandage tape</u>
<u>Sterile gauze pads</u>	<u>Sterile gauze pads</u>
<u>Flexible roller gauze</u>	<u>Flexible roller gauze</u>
<u>Triangular bandage or sling</u>	<u>Triangular bandage or sling</u>
<u>Safety pins</u>	<u>Safety pins</u>
<u>Eye patch or dressing</u>	<u>Eye patch or dressing</u>
<u>Pen/pencil and note pad</u>	<u>Pen/pencil and note pad</u>
<u>Instant cold pack</u>	<u>Instant cold pack</u>
<u>Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide</u>	<u>Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide</u>
<u>Small plastic, metal, or wooden finger splint</u>	<u>Small plastic, metal, or wooden finger splint</u>
<u>Non-medicated adhesive strip bandages</u>	<u>Non-medicated adhesive strip bandages</u>
<u>Plastic bags for cloths, gauze, and other materials used in handling blood</u>	<u>Plastic bags for cloths, gauze, and other materials used in handling blood</u>
	<u>Bottled water</u>
	<u>Liquid soap</u>
	<u>Emergency medications needed</u>
	<u>List of emergency phone numbers Parents'/Guardians' home and work phone numbers, and the Poison Control Center phone number</u>

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

- 63.1 A licensee shall ensure that drinking water is always available to children in their classrooms and outdoors and supplied to them on their request or available for self-service as appropriate.
- 63.2 A licensee shall have and follow a policy to address the needs of a child who is breastfed, including allowing a mother to breastfeed her child at a designated place in the center that is clean, removed from public view, and not located in a bathroom or kitchen.
- 63.3 A licensee shall ensure that appropriately-timed meals and snacks are served in accordance with the following schedule based on the number of hours the child is present at the center:

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

- 63.4 A licensee shall ensure that meals and snacks are provided by a center except when one of the following circumstances occurs:
- 63.4.1 A written statement has been signed by a parent/guardian and kept on file indicating that the parent/guardian has chosen to provide food for the child:

- 63.4.2 The licensee makes it known to the parent/guardian at the time of application for enrollment that meals or snacks are to be provided by the parent/guardian and informs the parent/guardian of the importance of sending meals or snacks that meet the nutritional needs of children; or
- 63.4.3 The center has a field trip or a specific activity requiring special meal arrangements.
- 63.5 A licensee shall encourage modeling of healthy eating practices by adults when eating with children.
- 63.6 A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage, and clean-up, and adheres to the center's policy on food service. Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the center's program or supervision of children while performing food service activities.
- 63.7 A licensee shall have and follow a written policy concerning food service that is provided to a parent/guardian at enrollment and when updated that includes:
- 63.7.1 An assurance that children are encouraged but not forced to eat;
- 63.7.2 **[Approximate ~~T~~]**imes of snacks and meals;
- 63.7.3 Procedures to address food allergies (for foods provided by the center or parents/guardians);
- 63.7.4 A description of which food services will be provided by the licensee or by a parent/guardian
- 63.7.4.1 For meals or snacks provided by the center:
- 63.7.4.1.1 Procedures to address religious dietary requirements and other dietary requests or restrictions; and
- 63.7.4.1.2 The licensee's policy on whether additional servings of foods that meet the meal pattern requirements will be served to a child who is still hungry.
- 63.7.4.2 For meals and snacks provided by a parent/guardian:
- 63.7.4.2.1 Statements that meals or snacks shall be for the individual child and may not be shared;
- 63.7.4.2.2 Statements that foods intended for regular consumption or celebratory occasions must be clean and safe and comply with the center's written policy concerning the content of foods provided by a parent/guardian;
- 63.7.4.2.3 Written procedures to be followed to prevent spoilage of foods brought from home; and
- 63.7.4.2.4 Statements and procedures that the center will follow to provide a meal or snack to a child who has not brought one or both.
- 63.8 A licensee shall ensure that meals and snacks provided by the center:
- 63.8.1 Are in accordance with the meal pattern requirements (see Appendix) which are adjusted according to the age of the infant and child;
- 63.8.2 Shall consist of foods based on the basic food groups as follows:
- 63.8.2.1 Milk: fluid pasteurized non-fat (skim) or low-fat 1.0% **[or 2.0%]** cow's milk for children over two years of age. Infants shall be fed formula or breast milk. Children one to two years of age shall be fed whole fluid pasteurized cow's milk when not on formula or breast milk;
- 63.8.2.2 Proteins or meat alternate: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;
- 63.8.2.3 Fruits and vegetables: include a variety of fresh, frozen, and canned vegetables and fruits without added sugar; and
- 63.8.2.4 Grains or breads: whole grain and enriched products such as breads, cereals, pastas, crackers, and rice.
- 63.8.3 May include juice, if 100% unsweetened juice and not a juice drink or cocktail, is served;
- 63.8.4 May include powdered milk, if used only in cooking and not used as a substitute for fluid milk for drinking purposes;
- 63.8.5 Are planned in advance on a menu, dated, and posted in a prominent place.
- 63.8.5.1 Menus noting actual food served shall be retained by the center for 30 days. Changes made in actual food served on a particular date shall be documented on the menu on or before that date.
- 63.8.5.2 A sample two-week menu of meals or snacks shall be submitted with their renewal application.
- 63.9 A licensee shall ensure that special, therapeutic diets are **[prepared and]** served by center staff only upon written instructions by a health care provider. If a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a child's medical need such as food allergies or food intolerance, the parent/guardian shall provide the center with written documentation from the child's health care provider permitting the modification.

- 63.10 A licensee shall ensure that if a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a family's food preferences or religious beliefs, the parent/guardian shall provide the center with written documentation specifying which foods are unacceptable and the food substitutions allowed.
- 63.11 Meal Components for Toddlers and Older Children
- 63.11.1 A licensee shall ensure that a breakfast provided and served by a center has at least one age-appropriate serving-size item each from the milk, fruit and vegetable, and grain or bread food groups as described in the appendix.
- 63.11.2 A licensee shall ensure that a lunch or dinner provided and served by a center has one age-appropriate serving-size item from each of the milk, meat or meat alternate, and grain or bread food groups and two items from the fruit and vegetable food group as described in the appendix.
- 63.11.3 A licensee shall ensure that a snack provided and served by a center has at least one age-appropriate serving-size item from two of the food groups as described in the appendix. If milk or 100% juice is not included with a snack provided and served by the center, water shall also be served with that snack.
- 63.12 [For foods prepared and served by the center, **Aa**] licensee shall provide for the introduction of a variety of food textures, finger foods, and a cup and utensils as appropriate in the training of self-feeding and nutrition education.
- 63.13 A licensee shall ensure that each individual child has his or her own utensils such as a fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child, to eat with or be fed with. This equipment shall not be shared with another child during feeding. All single-service dinnerware or utensils provided by the center for meals or snacks shall be discarded immediately after use.

#### **64.0 Feeding of Infants**

- 64.1 A licensee shall ensure that foods and beverages provided to an infant are served on demand or during a span of time consistent with the infant's eating habits according to the following guidelines:
- 64.1.1 A written statement specifying foods and beverages including specific formula or breast milk and a feeding schedule shall be obtained from the parent/guardian for each infant at least on a monthly basis. Staff shall be trained on the proper handling, storage, preparation, and feeding of breast milk and formula if applicable to their program; mixing formula with cereal, juice, or other food or beverage other than water in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification.
- 64.1.2 A daily written record of each infant's nutritional intake shall be documented and provided to the parent/guardian daily. Feeding problems experienced by an infant shall be discussed with his/her parent/guardian before the infant's daily departure from the center; and
- 64.1.3 An infant shall be held for bottle-feeding when too young to use a feeding chair or other age-appropriate seating apparatus. If an infant is able to hold a bottle and has established independence or a desire not to be held while fed, the infant shall be placed in a high chair or at a feeding table.
- 64.2 A licensee shall practice paced bottle-feeding or allowing the infant to take breaks at feedings. Infants shall be observed for signs of fullness and shall be allowed to stop a feeding when full unless written documentation from an infant's health care provider ~~[permitting a modification is supplied]~~ **requires the feeding to continue**];
- 64.3 A licensee shall not feed formula to an infant exclusively receiving breast milk, without parent/guardian permission:
- 64.3.1 A staff member shall not hold more than one infant at a time for bottle feeding;
- 64.3.2 At no time shall an infant be placed in a crib or sleeping, resting, or relaxing equipment with a bottle for feeding nor may a bottle be propped for feeding an infant;
- 64.3.3 Bottles and infant foods shall be warmed for no more than five minutes under running warm tap water or by placing them in a container of water that is no warmer than 120° F and shall not be warmed or thawed in a microwave oven. Bottles of breast milk shall be gently swirled to mix contents~~], and shall never be shaken~~];
- 64.3.4 For infants four to seven months of age, semi-solid foods may be introduced as requested by the parent/guardian and shall be required once an infant is eight months of age unless written documentation from an infant's health care provider permitting a modification is supplied;
- 64.3.5 Foods for infants shall be a texture and consistency that promotes safe and optimal consumption and served from a dish unless the entire contents of the jar will be served. Introduction to all new foods and beverages shall be made only with the parent's/guardian's permission;
- 64.3.6 Cow's milk shall not be served to infants;

- 64.3.7 Bottles and nipples maintained by center staff shall be washed and sanitized before each use;
- 64.3.8 Each infant's bottle shall be individually labeled with the infant's name and refrigerated immediately after preparation by center staff or on arrival if prepared by a parent/guardian;
- 64.3.9 Unused bottles shall also be dated as to when prepared if not returned to the parent/guardian at the end of each day;
- 64.3.10 Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one hour from beginning of feeding;
- 64.3.11 Formula provided by parents/guardians or by the center shall come in a factory-sealed container;
- 64.3.12 Refrigerated, unused, prepared formula shall be discarded after 48 hours;
- 64.3.13 Breast milk shall be fed only to that mother's own infant. Frozen breast milk shall be thawed under running cold water or in the refrigerator, gently swirled to mix contents, not shaken, and used within 24 hours. Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been unrefrigerated for more than one hour. Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after 48 hours or by three months if frozen and stored in a freezer at 0° F;
- 64.3.14 Juices may not be fed to infants until they are able to drink from a cup unless by written parent/guardian request; and
- 64.3.15 Center staff shall encourage the use of a cup when a child is at least one year of age and is developmentally capable of drinking from or holding a cup.

#### **PART IV EARLY CARE AND EDUCATION**

##### **65.0 Positive Behavior Management**

- 65.1 A licensee shall have and follow a written statement in plain language regarding the positive behavior management of children. The statement on positive behavior management shall be posted in a prominent place in the center and provided to a parent/guardian and staff.
- 65.2 A licensee shall ensure that all staff use prevention strategies, appropriate redirection rather than restraint, and positive developmentally-appropriate methods of behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility, and cooperation. Staff may not handle children roughly nor encourage or otherwise condone children hitting or disciplining each other. The center shall consult with professionals and with the parent/guardian to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need, including a behavioral or emotional disability.
- 65.3 A licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to children, other staff members, parents/guardians, and visitors while at the center.
- 65.4 "Time-out", if used, shall be appropriate for the developmental age of the child, employed as a supplement to, not a substitute for, other developmentally-appropriate, positive methods of behavior management, and not used with infants. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age. Before using "time-out", the staff member shall discuss the reason for the "time-out" in language appropriate to the child's level of development and understanding. A child removed from the group or room during a "time-out" shall remain under direct visual supervision at all times and shall never be left unattended behind closed doors. Before rejoining the group or at another appropriate time, staff shall talk to the child about alternatives to the inappropriate behavior in a way that encourages the child to make more positive decisions in the future.
- 65.5 A licensee shall ensure that the following actions are prohibited:
  - 65.5.1 Corporal punishment inflicted on a child's body including shaking, hair pulling, biting, pinching, slapping, hitting, kicking, or spanking;
  - 65.5.2 Yelling, humiliating, or frightening children;
  - 65.5.3 Physically or sexually abusing a child by staff;
  - 65.5.4 Making disparaging comments about a child's appearance, ability, ethnicity, family or other personal characteristics;
  - 65.5.5 Depriving children of food or toilet use as a consequence of inappropriate behavior;
  - 65.5.6 Tying, taping, chaining, caging, or [physically or] mechanically-restraining a child;
  - 65.5.7 Punishing children for not going to sleep, a toileting accident, failure to eat all or part of food, or failure to complete a prescribed activity; or
  - 65.5.8 Withholding physical activity as punishment.

## **66.0 Program Goals and Planning**

- 66.1 A licensee shall ensure that the program provides physical care routines (such as diapering/toileting and hand-washing) appropriate to each child's developmental needs.
- 66.2 A licensee shall develop written goals of what the center plans to accomplish for enrolled children's development and education. Goals shall include areas of physical, social-emotional, language/literacy, and cognitive development and be appropriate to the ages and developmental levels of the children in attendance at the center. The curriculum goals and program of daily activities for each group of children shall be implemented by an assigned staff member in the position of early childhood teacher, school-age site coordinator, early childhood assistant teacher, school-age site assistant, or early childhood caregiver with approval and monitoring by either the early childhood administrator, school-age administrator, early childhood curriculum coordinator, or school-age site coordinator when assigned this duty.
- 66.3 A licensee shall have and follow a written lesson plan of varied, developmentally-appropriate activities designed to help all children preschool-age and younger reach the goals described in Subsection 66.2.
- 66.3.1 The lesson plan shall be current and posted for easy reference by parents/guardians and staff. **[Changes made in the actual lesson plan for a particular date shall be documented on the posted lesson plan on or before that date.]**
- 66.3.2 The lesson plan shall include at least one daily activity for each goal specified in Subsection 66.2. Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be included.
- 66.3.3 The plan shall reflect that the children have the choice to participate in at least four activities each day. The total time allotted for these activities shall be at least 1/3 of the time the child is in attendance for a particular day.
- 66.3.4 Adaptations and accommodations of activities, adult-child interactions, teaching strategies, and materials or equipment shall be made as needed for children, including those with disabilities to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans.
- 66.3.5 Lesson plans shall be based on best practices and accepted research in the field of early care and education and in alignment with principles and foundations of learning and development such as the *Delaware Early Learning Foundations: Preschool, Delaware Early Learning Foundations: Infant/Toddler* and also as set forth by the Delaware or United States Department of Education.
- 66.4 A licensee shall ensure that activities and materials reflect children's cultures and communities, including both familiar and new materials, pictures, and experiences.
- 66.5 A licensee shall develop and follow a schedule for each group of children that is posted for easy reference by parents/guardians and staff. The schedule shall show blocks of time, including periods for active and quiet play or rest; indoor and outdoor activities; and both free choice and staff-directed activities. This schedule may be flexible based on the needs and interests of the children.
- 66.6 A licensee shall ensure that for toddlers and older children, indoor physical space is organized into identifiable activity areas where an identifiable space with related equipment and materials are kept in an orderly fashion and are accessible to children with daily opportunities documented on the lesson plan for children to learn in the following areas:
- 66.6.1 Language and literacy, such as books and writing materials;
- 66.6.2 Dramatic play, such as play materials, furniture, dress-up, and props;
- 66.6.3 Construction/Blocks, such as unit blocks and accessories;
- 66.6.4 Creative arts, such as drawing materials, clay or play dough; and
- 66.6.5 Manipulative/Mathematics/Problem solving, such as puzzles, small construction toys, or objects to sort.
- 66.7 A licensee shall ensure that for toddlers and older children there are at least weekly opportunities documented on the lesson plan for children to learn in the following areas:
- 66.7.1 Cooking of food exploration/Healthy habits, such as talking about healthy habits or comparing the taste/texture of different foods;
- 66.7.2 Science and nature investigation, such as talking about the weather, observing insects/birds, having a leaf collection, blowing bubbles, or having a pet;
- 66.7.3 Music and rhythm, such as singing, simple instruments, or music toys; and
- 66.7.4 Multi-sensory play, such as sand or water play with containers, spoons, scoops, trucks or toy people.
- 66.8 A licensee shall ensure that each child one year and older, according to his or her ability, is provided the opportunity for a minimum of 20 minutes of moderate to vigorous physical activity indoors or outdoors, for every 3 hours the child is in attendance between the hours of 7 a.m. to 7 p.m. This active play opportunity may

occur in one or more blocks of time daily. Structured physical activities shall be adapted to allow inclusion of children of all abilities.

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

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

## **67.0 Documenting Children's Progress**

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

67.2 A licensee shall ensure that with the approval of the early childhood administrator or early childhood curriculum coordinator, individual plans are developed for each infant and toddler in care within 45 days of the first day of attendance. The plan shall include both age and individually appropriate goals and describe specific developmentally-appropriate activities and experiences to be provided by staff in support of these goals. Staff shall record these and note developmental milestones, accomplishments, and concerns. Plans shall be reviewed and updated at least three times over a one year period. This information shall be shared with the child's parent/guardian.

## **68.0 Infant and Toddler Care**

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

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

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

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

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

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

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

## **69.0 Interactions with Children**

69.1 A licensee shall ensure that staff interacts with infants providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:

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

69.1.2 Being held and carried;

69.1.3 Limiting time spent, while awake, in confining equipment such as a crib, infant seat, swing, high chair, or play pen to less than 30 minutes during which time an age-appropriate activity shall be provided.

immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided;

- 69.1.4 Providing opportunities for large muscle activities appropriate to the infant's developmental level such as supervised tummy times for short periods of a few minutes, while the infant is awake;
  - 69.1.5 Providing daily outdoor play opportunities as described in Subsection 66.9;
  - 69.1.6 Talking with infants during play, feeding and routine care;
  - 69.1.7 Reading to and looking at books with infants while holding or sitting close to them;
  - 69.1.8 Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;
  - 69.1.9 Responding to infants' actions, sounds and beginning language;
  - 69.1.10 Giving names to objects and experiences in the infants' environment;
  - 69.1.11 Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling, and standing; and
  - 69.1.12 Providing materials and encouragement for infants' beginning pretend play alone, with other children, and with staff.
- 69.2 A licensee shall ensure that staff interact with toddlers at their eye level, and whenever appropriate, sit on the floor with the toddlers, providing the following opportunities throughout the day, and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:
- 69.2.1 Offering frequent face to face interactions with the toddlers;
  - 69.2.2 Having conversations with toddlers during play, feeding, and routine care;
  - 69.2.3 Reading to and looking at books with toddlers individually and in small groups;
  - 69.2.4 Encouraging children to play with one another with adult help;
  - 69.2.5 Providing materials and encouragement for pretend play alone and with other children and adults;
  - 69.2.6 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
  - 69.2.7 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.8;
  - 69.2.8 Limiting time spent, while awake, in confining equipment such as a crib, seat, swing, high chair, or play pen to less than half an hour immediately after which opportunities for freedom of movement are provided;
  - 69.2.9 Responding to toddlers' words and actions with interest and encouragement;
  - 69.2.10 Giving names to objects and experiences in the toddlers' environment; and
  - 69.2.11 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.
- 69.3 A licensee shall ensure that staff interact with preschool-age children at their eye level, and whenever appropriate, sit on the floor with the children, providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:
- 69.3.1 Offering frequent face to face interactions with children;
  - 69.3.2 Having conversations with children during play, meals, and routine care;
  - 69.3.3 Reading to and looking at books with children individually and in groups;
  - 69.3.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;
  - 69.3.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the center's environment;
  - 69.3.6 Supporting the development of social competence through play and cooperative work with other children;
  - 69.3.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
  - 69.3.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
  - 69.3.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.8;
  - 69.3.10 Responding to children's words and actions with interest and encouragement;
  - 69.3.11 Giving names to objects and experiences in the children's environment; and
  - 69.3.12 Supporting children's development of independence and mastery of skills.
- 69.4 A licensee shall ensure that staff offers activities that meet the widely differing needs and interests of school-age children providing opportunities, materials, and equipment as described in Part VI, Additional Provisions for School-Age Only Centers.

## **70.0 Equipment**

- 70.1 A licensee shall provide developmentally-appropriate equipment and materials in a quantity sufficient for a variety of indoor and outdoor activities for all children. Materials and equipment shall promote a variety of experiences and choices that support children's social-emotional, language/literacy, intellectual, and physical development.
- 70.2 A licensee shall ensure that for infants and toddlers less than 18 months of age, developmentally-appropriate supplies or equipment are provided in quantities as described in Subsection 70.1 in each of the following categories:
- 70.2.1 Sensory supplies and equipment such as teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;
  - 70.2.2 Language/dramatic play supplies and equipment such as picture books, toy telephones, CDs, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment;
  - 70.2.3 Manipulative supplies and equipment such as squeeze and grip toys, boxes, sorting and stacking toys, three or four piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment;
  - 70.2.4 Building supplies and equipment such as soft lightweight blocks, toy cars, trains or boats, figures of animals and people, stacking rings or cups, nesting toys, or other comparable supplies or equipment;
  - 70.2.5 Large muscle supplies and equipment such as: low climbers, slides, riding/rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other comparable supplies and equipment; and
  - 70.2.6 Music supplies and equipment such as rhythm instruments, a CD player and CDs, toys with musical tones, musical mobiles or busy boxes, drums, xylophones or pianos, or other comparable supplies or equipment.
- 70.3 A licensee shall ensure that for children over 18 months of age, developmentally-appropriate supplies or equipment are provided in quantities as described in Subsection 70.1 in each of the following categories:
- 70.3.1 Language/literacy supplies and equipment such as books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, or classification, poetry, puppets, audio-visual materials, show and tell items, or other comparable supplies or equipment;
  - 70.3.2 Science and math supplies and equipment such as plants and gardening equipment, aquarium with fish or other appropriate live animals, water table with supplies, sand table with supplies, cooking supplies, weather chart or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;
  - 70.3.3 Manipulative supplies and equipment such as puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;
  - 70.3.4 Large muscle equipment such as rocking boat, wheel toys, climbers, slides, balance beam, barrels or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies and equipment;
  - 70.3.5 Building activities such as unit blocks (minimum of four sizes), transportation toys, farm animals, play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;
  - 70.3.6 Art supplies and equipment such as crayons, tempera paint, large brushes and newsprint, finger paint and finger paint paper, construction paper in assorted colors, paste or glue, blunt scissors, collage materials, non-toxic felt tip markers, easels, clay or play dough, or other comparable supplies and equipment;
  - 70.3.7 Music supplies and equipment such as a CD player and CDs, piano or organ, guitar, rhythm sticks, drums, cymbals and bells, or other comparable supplies and equipment; and
  - 70.3.8 Dramatic play supplies and equipment such as toy dishes, ironing board, telephones, occupational props or uniforms, dress-up clothes, housekeeping area (stove, sink, refrigerator), cradle or doll bed, doll carriage, dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment.
- 70.4 A licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small loose pieces and are free from recall.
- 70.5 A licensee shall ensure that furniture is durable and child-sized or adapted to children's use. Tables shall be at waist height of the intended child-user and the child's feet are able to reach a firm surface while the child is seated.
- 70.6 A licensee shall ensure that equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the program.

- 70.7 A licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster awareness of other cultures and communities.
- 70.8 A licensee shall prohibit toys that explode or fire objects.

## **PART V ADDITIONAL PROVISIONS FOR NIGHT CARE**

### **71.0 General**

- 71.1 Night care may be provided by a center licensed to provide only night care or as a component of a licensed center.
- 71.2 A center licensed to provide only night care shall be exempt from Section 40.0.

### **72.0 Staffing**

- 72.1 A licensee shall ensure that staff members are awake at all times and monitor sleeping children.
- 72.2 A licensee shall ensure that a single staff member provides no more than 16 hours of child care within a 24-hour period with at least seven consecutive hours of rest off of the center's premises. No other employment shall be permitted during the hours of rest.
- 72.3 A licensee shall ensure that when children one year and older are sleeping at least half of the required staff are physically present with the children and directly observing the children.
- 72.4 A licensee shall ensure that at least two staff are present and with the children at all times when seven or more children one year and older are present.
- 72.4.1 The licensee shall have and follow emergency procedures providing immediate access to emergency services and additional staff when only one staff member is present with children at the center.
- 72.4.2 When only one staff member is present with the children, the staff member shall have no other responsibilities than direct child care during that time.

### **73.0 Activities**

- 73.1 A licensee shall ensure that a program of activities is provided to children before bedtime.
- 73.2 A licensee shall ensure that each child is given individual attention at bedtime and upon awakening. The licensee shall discuss with the parent/guardian any special preferences or habits of the child regarding bedtime and awakening and share this information with the staff member in charge of the child.

### **74.0 Sleeping Arrangements**

- 74.1 A licensee shall ensure that sleeping arrangements are structured so that children who are awake are cared for in a separate area from sleeping children and that sleeping children are not disturbed.
- 74.2 A licensee shall ensure that children school-age and older do not share a dressing area with people of the opposite sex.
- 74.3 A licensee shall ensure that each child is provided with sleeping equipment as specified in Section 42.0.
- 74.3.1 For children sleeping four or more hours at the center during the evening or are sleeping overnight, the licensee shall provide, as appropriate to their age, a crib or individual bed with a mattress that is covered with sheets and, for non-infants, a seasonably-appropriate blanket.
- 74.3.2 The licensee shall also provide a pillow with a pillowcase for a child in a bed.
- 74.4 A licensee shall ensure that each child has individual, clean, and comfortable sleeping garments.

### **75.0 Bathing and Grooming**

- 75.1 A licensee shall follow the parent's/guardian's preference regarding bathing the child and note this preference in the child's record.
- 75.1.1 Each child shall be bathed individually and not placed together in a bathtub, shower, or portable bathing equipment.
- 75.1.1.1 Bathing equipment shall be cleaned with soap and water and sanitized before each use and equipped to prevent slipping.
- 75.1.1.2 An infant shall be bathed in age-appropriate bathing equipment.
- 75.1.1.3 No child may be bathed in a sink used for cleaning dishes or utensils.
- 75.1.2 Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.
- 75.1.3 Individual towels and washcloths shall be provided for each child.

- 75.2 A licensee shall ensure that no child is left unsupervised while in a bathtub or shower. A child capable of bathing alone shall be allowed to bathe in private with written permission from the parent/guardian. A staff member shall respect that child's privacy but be immediately available to ensure the child's safety and to offer assistance when requested by the child.
- 75.3 A licensee shall ensure that there is a night light in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.
- 75.4 A licensee shall ensure that combs, toothbrushes, brushes, and other such personal items are marked with the owner's name and stored separately and used only by that child.

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

### **76.0 General**

- 76.1 School-age care may be provided by a school-age center that exclusively offers care, education, protection, supervision or guidance for school-age children before or after-school, during school holidays, or summer months.
- 76.2 A school-age center shall follow all regulations contained in this document except for these designated regulations in Part 1, General Provisions from which they are exempt:
- 76.2.1 Subsection 36.14 (General Safety Practices – Outlet Covers);
  - 76.2.2 Subsection 63.2 and Section 64.0 (Infant and Toddler Food and Nutrition);
  - 76.2.3 Subsection 66.7 (Sensory Play);
  - 76.2.4 Section 67.0 (Documenting Children's Progress);
  - 76.2.5 Section 68.0 (Infant and Toddler Care);
  - 76.2.6 Subsection 69.1 (Interactions with Infants);
  - 76.2.7 Subsection 69.2 (Interactions with Toddlers);
  - 76.2.8 Subsection 69.3 (Interactions with Preschool-Age Children);
  - 76.2.9 Subsections 70.2 and 70.3 (Equipment);
  - 76.2.10 Section 42.0 (Sleeping accommodations; unless there are children who nap/sleep at the school-age only center); and
  - 76.2.11 School-age only programs located in a public or private school are exempt from the covered trash can requirement found in Subsection 36.7.
- 76.3 A volunteer who is working as part of an educational degree-granting program and assigned to a school-age only center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the facility.

### **77.0 School-Age Staff Positions**

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

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

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College or University Credits<sup>1</sup></u>	<u>Experience<sup>2</sup></u>
<u>At least a bachelor's degree or associate degree from a regionally accredited college or university</u>	<u>All areas of study</u>	<u>Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three-hour school-age elective of the learner's choice</u>	<u>18 months of experience working with children kindergarten through sixth grade in a group setting.</u>
<p><sup>1</sup> Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as a school-age administrator.</p>			
<p><sup>2</sup> Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.</p>			

**77.2 School-Age Site Coordinator.**

**77.2.1** A licensee shall ensure that a school-age site coordinator is at least 20 years of age and meets the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College or University Credits<sup>1</sup></u>	<u>Experience<sup>2</sup></u>
<u>At least a high school diploma or equivalent recognized by the Delaware Department of Education</u>	<u>Any</u>	<u>Successful completion of at least 12 college or university credits in recreation, elementary education, school-age care, or school-age administration</u>	<u>12 months of experience working with children kindergarten through sixth grade in a group setting.</u>
<p><sup>1</sup> Possession of a school-age credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits.</p>			
<p><sup>2</sup> Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.</p>			

**77.3 School-Age Site Assistant**

**77.3.1** A licensee shall ensure that a school-age site assistant is at least 18 years of age and meets one of the following education and experience qualifications:

<u>Education</u>	<u>Area of Study/Major</u>	<u>Regionally Accredited College or University Credits or Quality-Assured Training</u>	<u>Experience<sup>1</sup></u>
<u>High school diploma or equivalent recognized by Delaware Department of Education</u>	All areas of study	Successful completion of three credits in recreation, elementary education, school-age care, or school-age administration - or - 45 clock hours of quality-assured training related to the needs of the school-age children served	Part-time employment for one school year from September to June providing education/care to children kindergarten through sixth grade in a group setting - or - Full-time employment during the majority of one summer season (June through August) providing education/care to children kindergarten through sixth grade in a group setting
<u>High school diploma or equivalent recognized by Delaware Department of Education</u>	All areas of study	Successful completion of at least <del>[a single]</del> 15-clock- <del>[hour</del> hours of] quality-assured training <del>[course on in]</del> school-age care <del>[such as Delaware First's "Moving Youth Ahead," "Youth Development," "School-Age: Supporting Social Emotional Wellness," or "Child Development,"]</del> within 12 months of employment.	Part-time employment from September to June for two school years or full-time employment for one school year providing education/care to children kindergarten through sixth grade in a group setting - or - Full-time employment during the majority of two summer seasons (June through August) providing education/care to children kindergarten through sixth grade in a group setting

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

#### 77.4 School-Age Intern

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

<u>Education</u>
Successful completion of at least three college or university credits from a regionally accredited college or university in recreation, elementary education, school-age care, or school-age administration. - or - Successful completion of at least <del>[a single]</del> 15-clock- <del>[hour hours of professional development training/class-</del> of] quality-assured training <del>[in school-age care such as "Moving Youth Ahead," "Youth Development," or "School-Age: Supporting Social Emotional Wellness"]</del> completed within 12 months of employment. - or - Successful completion of the education requirement for a higher level position contained in these regulations.

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

- 77.4.2.1 Walking children to or from a bathroom;
- 77.4.2.2 Walking children to or from receiving first aid treatment;
- 77.4.2.3 Walking children to or from a bus stop;
- 77.4.2.4 Walking children from one classroom or area to another within the center; and
- 77.4.2.5 Supervising an ill child while waiting for pick-up by a parent/guardian.

## **77.5 School-Age Aide**

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

## **78.0 Staffing**

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

78.2 A licensee shall ensure that a school-age center has at least one staff member who meets the qualifications for the position of school-age site coordinator when the school-age administrator is responsible for more than one school-age center.

78.3 A licensee shall ensure that a staff member with the qualifications of a school-age administrator or school-age site coordinator is present at least 50% of the hours of operation.

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

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

78.6 A licensee shall ensure that when a school-age administrator or school-age site coordinator is not present at the school-age center, an assigned staff member that at least meets the qualifications of school-age site assistant is present and specifically designated as responsible for the school-age center. This staff member shall have documented training in the day-to-day operations of the center with an emphasis on the supervision of children and staff.

## **79.0 Outdoor Play Area**

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

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

## **80.0 Food, Water, and Nutrition**

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

80.1.1 If breakfast is not served at the school-age center, a nutritious snack shall be served to each child who is in before school care for more than two hours.

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

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

## **81.0 Child Care Activities**

81.1 A licensee shall ensure that a program of indoor and outdoor activities and supplies and equipment is provided based on the ages and developmental levels of school-age children served.

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

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

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

<b>Activities for School-Age Children</b>	
<b>Daily</b>	<b>Monthly</b>
Opportunities for moderate to vigorous active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment;	Opportunities to participate in projects that require an extended time period to complete in such topics as science, math, social studies, language arts, cooking, drama, creative arts, or music.
Opportunities for outdoor activities after-school. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors; and	
Opportunities for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.	

### APPENDIX

<b>FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN</b>			
<b>OCCL REQUIRED MEAL COMPONENTS</b>			
<b>MEAL COMPONENT</b>	<b>Ages 1 through 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
<b>BREAKFAST – Serve all 3 of the following components (meat/meat alternate is optional):</b>			
1. Milk, fluid (whole for 12-24 months; [2.0%,] 1.0% [ ,] or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice <sup>1</sup> / or vegetable	1/4 Cup	1/2 Cup	1/2 Cup
3. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Cereal – Dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – Hot	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate (optional)			
Lean meat, poultry or fish	1/2 Ounce	1/2 Ounce	1 Ounce
Cheese ( <i>No Cheese Food</i> ) <sup>2</sup>	1/2 Ounce	1/2 Ounce	1 Ounce
Cottage cheese	2 Tablespoons	2 Tablespoons	2 Tablespoons
Large egg	1/2 Egg	1/2 Egg	1/2 Egg
Peanut butter or other nut/seed butters	1 Tablespoon	1 Tablespoon	2 Tablespoons
Nuts or seeds	1/2 Ounce	1/2 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/4 Cup	1/4 Cup	1/2 Cup
<sup>1</sup> Juice: Only 100% unsweetened juice may be served.			
<sup>2</sup> Cheese must be real, natural cheese. Cheese food or cheese products may not be served.			

**FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN**

**OCCL REQUIRED MEAL COMPONENTS**

<b>MEAL COMPONENT</b>	<b>Ages 1 through 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
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**LUNCH or DINNER – Serve the following 5 components:**

1. Milk, fluid (whole for 12-24 months; [2.0%,] 1.0% [ , ]or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice <sup>1</sup> / Vegetable	1/4 Cup	1/2 Cup	3/4 Cup
3. Fruit or vegetable			
4. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Grain or pasta	1/4 Cup	1/4 Cup	1/2 Cup
Cereal – dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – hot	1/4 Cup	1/4 Cup	1/2 Cup
5. Meat or meat alternate			
Lean meat, poultry or fish	1 Ounce	1 – 1/2 Ounce	2 Ounces
Cheese (No Cheese Food) <sup>2</sup>	1 Ounce	1 – 1/2 Ounce	2 Ounces
Cottage cheese	1/4 Cup	3/8 Cup	1/2 Cup
Large egg	1/2 Egg	3/4 Egg	1 Egg
Cooked dry beans/peas	1/4 Cup	3/8 Cup	1/2 Cup
Peanut butter or other nut/seed butters	2 Tablespoons	3 Tablespoons	4 Tablespoons
Nuts or seeds	1/2 Ounce	3/4 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/2 Cup	3/4 Cup	1 Cup

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

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

**FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN**

**OCCL REQUIRED MEAL COMPONENTS**

<b>MEAL COMPONENT</b>	<b>Ages 1 through 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
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**SNACK – Serve 2 of the following 4 components:**

1. Milk, fluid (whole for 12-24 months; [2.0%,] 1.0% [ , ]or fat-free for age 2 and older)	1/2 Cup	1/2 Cup	1 Cup
2. Fruit /Juice <sup>1</sup> / Vegetable	1/2 Cup	1/2 Cup	3/4 Cup
3. Grain or bread			
Bread	1/2 Slice	1/2 Slice	1 Slice
Grain or pasta	1/4 Cup	1/4 Cup	1/2 Cup
Cereal – dry	1/4 Cup	1/3 Cup	3/4 Cup
Cereal – hot	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate			
Lean meat, poultry, or fish	1/2 Ounce	1/2 Ounce	1 Ounce
Cheese (No Cheese Food) <sup>2</sup>	1/2 Ounce	1/2 Ounce	1 Ounce
Cottage cheese	2 Tablespoons	2 Tablespoons	2 Tablespoons
Large egg	1/2 Egg	1/2 Egg	1/2 Egg
Cooked dry beans/peas	1/8 Cup or 2 Tablespoons	1/2 Cup or 2 Tablespoons	1/4 Cup or 4 Tablespoons
Peanut butter or other nut/seed butters	1 Tablespoon	1 Tablespoon	2 Tablespoons
nuts or seeds	1/2 Ounce	1/2 Ounce	1 Ounce
Yogurt, plain or flavored; unsweetened or sweetened	1/4 Cup	1/4 Cup	1/2 Cup

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

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

**FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO INFANTS****OCCL REQUIRED MEAL COMPONENTS**

<b>MEAL COMPONENT</b>	<b>Birth through 3 Months</b>	<b>4 through 7 months</b>	<b>8 through 11 months</b>
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**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 <i>or both</i>	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	-	-	-
Lean meat, poultry, fish, egg yolk, cooked beans or peas	None	None	1 – 4 Tablespoons
Cheese ( <i>No Cheese Food</i> ) <sup>1</sup>	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

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