DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
900 Special Populations

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

INTRODUCTION

1.0 Legal Basis

The legal basis for this regulation is in 14 **Del.C.** §§3001A-3005A.

24 DE Reg. 267 (09/01/20)
25 DE Reg 1115 (06/01/22)

2.0 Purpose

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

25 DE Reg. 1115 (06/01/22)

PART I GENERAL PROVISIONS

3.0 Definition of Terms

The following words and terms, when used in this regulation, have the following meaning unless the context clearly indicates otherwise:

"**Administration of medication certificate**" means a document issued by OCCL that gives permission for a staff member to administer medication to children in care as described in the Administration of Medication Self-Study Guide.

"**Agreement of Understanding**" means a document that is part of a corrective action plan or used when necessary to ensure regulation compliance. This document contains requirements the licensee must follow to maintain licensure.

"**Applicant**" means the individual or entity, such as a company, corporation, business, organization, school, or agency, seeking a license to operate an early care and education and school-age center.

"**Blood lead screening**" means a capillary blood lead test, including where a drop of blood is taken from a finger or heel of the foot.

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

"**Center**" means the licensed early care and education or school-age center located in one or more buildings at the address listed on the application. Beginning July 1, 2024, this definition will include centers located in a public school or private school serving children below kindergarten.

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

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

"**Child care**" or "**early care and education**" means the providing of care, education, protection, supervision, or guidance of children in a center.

"**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 **Del.C.** §901.

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

"**Child with disabilities**" means a child diagnosed by a qualified professional as having a physical, intellectual, emotional, or developmental disability, or chronic medical condition.

"**CHU**" means the Criminal History Unit in the Department of Services for Children, Youth and Their Families.

"**Clock hours**" means the actual number of hours a person spends attending the instructional portion of a training designed to develop or enhance early care and education and school-age competencies.

"**Complaint investigation**" means the process followed by OCCL to investigate accusations that a licensee is not complying with these regulations or applicable laws.

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

"**Comprehensive background check**" means a State of Delaware and federal (national) fingerprinted report of a person's entire criminal history including a search of the National Crime Information Center's National Sex Offender Registry; and a search of state criminal, sex offender, and child abuse and neglect registries, repositories, or databases in the state where the person resides, and in each state in which the person resided during the past five years.

"**Conference**" means a meeting between OCCL and a licensee to discuss serious non-compliance as defined in these regulations or to discuss the denial of a variance request.

"**Corrective action plan**" means a document listing non-compliance that a licensee must correct, how to correct it, and the date OCCL requires the corrections to be completed. This document serves as written notice of non-compliance with these regulations.

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

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

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

"**Designated representative**" means the person who has been assigned by the applicant or licensee, to act on the applicant's or licensee's behalf and granted authority over program operations and to represent the applicant or licensee in dealings with OCCL. This person may sign the application with written authorization from the applicant or licensee.

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

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

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

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

"**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 when applicable, the administrative aspects. This person may develop and evaluate curriculum and monitors implementation of curriculum and daily activities for children or approves curriculum if developed by at least an early childhood teacher. This person supervises all staff members and meets the qualifications listed in these regulations.

"**Early childhood aide**" means a staff member who performs direct child care duties in this time-limited, entry-level position. This person works under the supervision of at least an early childhood teacher and the direct observation of at least an early childhood intern who is at least 18 years old, determined eligible by CHU, and has worked at the center for at least 25 hours per week for at least one month. This person has not completed the accepted training required for the position of early childhood intern and may never be alone with children. This person meets the qualifications listed in these regulations. This person will only count in staff-to-child ratios during the first year of employment at a center.

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

"**Early childhood caregiver**" means a staff member who was formerly qualified by January 1, 2009, as a caregiver at a center licensed before January 1, 2007. This person may transfer to a center licensed before January 1, 2007, that is owned by the same licensee. This person works under the supervision of at least an early childhood teacher. This person performs direct child care duties and assists in the implementation of curriculum. This person may supervise early childhood interns, early childhood aides, volunteers, and substitutes and meets the qualifications listed in these regulations.

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

"**Early childhood intern**" means a staff member who performs direct child care functions and related duties and meets the qualifications listed in these regulations. This person works under the direct observation of at least an early childhood assistant teacher, but may be alone with children as listed in these regulations.

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

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

"**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.

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

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

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

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

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

"**Hearing**" means the hearing provided to a licensee or applicant when requesting an appeal of OCCL's decision to place the facility on an enforcement action such as warning of probation, probation, suspension, revocation, or denial. A licensee or applicant may provide evidence to contest the action.

"**Individualized educational program**" or "**IEP**" means a document written at least yearly which describes the services and supports needed for a child identified for special education usually for a child age three years and older.

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

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

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

"**Licensee**" means the individual or entity, such as a company, corporation, organization, business, school district, or agency, legally responsible for a licensed center.

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

"**Licensing supervisor**" means an OCCL employee who is responsible for supervising licensing specialists. This person may perform regulatory actions and ensures licensing specialists are performing regulatory activities. This person approves complaint investigations, enforcement actions, and licenses.

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

"**Office of Child Care Licensing**" or "**OCCL**" means the agency within the Department authorized under 14 **Del.C.** §§3001A-3005A to promulgate and enforce regulations for child care, to license child care facilities, and to develop and implement policies and procedures.

"**Overnight care**" means care for a child between the hours of 10 PM and 6 AM, when four or more hours are during a child's normal sleeping hours.

"**Parent**" or "**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 by an applicant to OCCL requesting approval to open a new center or by a licensee for an expansion or renovation of a licensed building's indoor or outdoor space to ensure compliance with these regulations.

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

"**Probation**" means an enforcement action initiated by OCCL due to the center being cited for serious non-compliance with these regulations.

"**Professional development**" means training and education designed to improve and increase the abilities of staff members.

"**Provisional license**" means a license issued for a time-limited period when the licensee has not achieved regulatory compliance and there is no serious risk to the health, safety, or well-being of children. The licensee must agree to comply with a corrective action plan or an agreement of understanding. An extension beyond this time requires the OCCL director's approval.

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

"**Regulation**" means the minimum standard established by OCCL that is required for a particular aspect of child care.

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

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

"**School-age administrator**" means a staff member of a school-age center with direct or supervisory responsibility for the school-age center's total program of services provided to children and their families including, when applicable, the administrative aspects. This person develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the school-age center. This person supervises all school-age staff members and meets the qualifications listed in these regulations.

"**School-age aide**" means a staff member of a school-age center who performs direct child care duties in this time-limited, entry-level position. This person works under the supervision of at least a school-age administrator and the direct observation of at least a school-age intern who is at least 18 years old, determined eligible by CHU, and has worked at the center for at least 10 hours per week for at least one month. This person has not completed the accepted training required for the position of school-age intern, may never be alone with children, and meets the qualifications listed in these regulations. This person will only count in staff-to-child ratios during the first year of employment at a center.

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

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

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

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

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

"**School-age site coordinator**" means a person who was previously qualified as a school-age site coordinator before the implementation of these regulations. Persons previously qualified as a school-age site coordinator may function in the position of a school-age administrator.

"**Secretary**" means the Secretary of the Department of Education.

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

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

"**Serious non-compliance**" means an action or actions that violate the terms of a license and presents a significant risk to children. Serious non-compliance includes, but is not limited to the following: child abuse or neglect, excessive non-compliance, failing to admit authorized people into the facility, failing to cooperate with an investigation, failing to report abuse or neglect, improper discipline, improper release of children, improper staff-to-child ratios, inappropriate adult behavior, lack of supervision, medication errors, having no administrator, being over-capacity, participating in fraud or making false statements, safe sleep violations, being sanctioned

by another agency, providing transportation in an unsafe manner, being under the influence of drugs or alcohol, leaving unqualified staff alone with children, failing to complete comprehensive background checks as required, having an unsafe building or environment, violating an agreement of understanding, or refusing to sign an agreement of understanding.

"**Service Letter**" means a letter required by the Delaware Department of Labor, 19 **Del.C.** §708, are used to determine whether a person seeking employment was counseled, warned, reprimanded, suspended, or discharged as a result of a reasonably substantiated incident involving the person's violent behavior or threat of violence in the workplace, or for abuse, negligence, or neglect of patients, clients, residents, or children.

"**Staff member**" means a full- or part-time employee of a center and all substitutes.

"**Substitute**" means a paid staff member who is temporarily filling in for a position during the absence of a permanent staff member. This person works under the supervision of at least an early childhood teacher 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 must 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 completion of the process specified by OCCL to reduce the amount of experience required to qualify for specific early childhood and school-age positions.

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

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

"**Suspension order**" means a notice issued by OCCL directing a licensee to stop providing child care as of a specific date. While the license is suspended, a licensee may not provide child care.

"**Toddler**" means a child at least 12 months old and less than 36 months old.

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

"**Variance**" means OCCL's approval for a licensee to meet the intent of a specific licensing regulation in a way that is different from the way the regulation specifies. OCCL will only give this approval when the change will not endanger the health, safety, or well-being of children in care.

"**Volunteer**" means a person who provides an unpaid service or support to a center. Unless qualified to be alone with children as stated in these regulations, volunteers must be directly supervised at all times by at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant.

"**Warning of probation**" means an enforcement action initiated by OCCL because the center was cited for serious non-compliance.

"**Youth camp**" means a child-serving entity having custody or control of one or more school-age children, unattended by parent or guardian, to provide a program of recreation, athletics, education, or religious instruction or guidance. This youth camp operates for up to 12 weeks during the months of June through September or during school in-service days, school holidays, or school vacations.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

4.0 Definition of Regulated Service

4.1 Early care and education and school-age centers provide care, education, protection, supervision, and guidance for 13 or more children, including children who are related to the licensee. This service is provided to an individual child for less than 24 hours per day and children attend without a parent or guardian. A licensee receives payment for services provided. This definition includes, but is not limited to, full- and part-time child care or daycare, early care and education, preschool, nursery school, before- or after-school care, summer youth camps receiving Purchase of Care funding, and summer child care programs that do not qualify for an exemption. Beginning July 1, 2024, early care and education programs for children below the grade of kindergarten that are operated by public or private schools shall be added to this definition and be licensed. Programs for children below the grade of kindergarten operated by public schools are exempt from certain regulations as stated in Part IX Exemptions for Public Schools.

4.2 An individual, corporation, LLC, organization, entity, program, or agency that operates a center at a public or private school is required to obtain a license unless a public or private school operates the program.

4.3 The following facilities that operate for less than 24 hours per day shall be exempt from licensure under these regulations:

4.3.1 Youth camps that provide care for only school-age children only, are issued permits by the Division of Public Health (DPH), and do not receive funding from Purchase of Care;

4.3.2 An institution, agency, association, or organization under State of Delaware ownership and control;

4.3.3 Religion classes conducted by religious institutions during the summer that do not exceed four weeks;

4.3.4 Programs established in connection with a business, recreation center, or religious institution in which children are provided care for brief periods of time, while a parent or guardian is on the premises and readily accessible at all times;

4.3.5 Programs that offer activities for school-age children who attend at their own discretion on an 'open door' basis, where there is no payment and no agreement, written or implied, between the program and the parent or guardian for the program to be responsible for the care of the child;

4.3.6 Programs that offer school-age care on a limited basis in order to meet an emergency need or special need, or only during school in-service days, school holidays, or school vacations;

4.3.7 Programs that solely provide lessons or classes, such as tutoring, music, dance, sport, or art; or

4.3.8 A public or private school that provides education for children in kindergarten or higher grades in the subjects prescribed for the schools of the State. This school reports to the State Board of Education pursuant to 14 **Del.C.** §2704.

4.4 An individual, corporation, LLC, organization, entity, program, agency, or school district may not operate a center or provide child care services as defined in these regulations unless issued a license by OCCL. Until December 31, 2022, anyone who operates a center without a license violates 14 **Del.C.** §§3001A-3005A, The Delaware Child Care Act, and shall be fined not more than $100 or imprisoned not more than three months, or both. Beginning January 1, 2023, anyone who operates a center without a license will be fined not more than $1000 or imprisoned not more than six months or both.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

5.0 Authority to Inspect

5.1 Applicants, licensees, staff members, and volunteers, if applicable, shall allow immediate access to the center during the hours of operation. This includes access to information, files, documents, and video recordings needed to determine compliance. Access must be granted to officials from OCCL and other State and local agencies to determine compliance with applicable codes, regulations, or laws. A licensee shall ensure agencies providing payment for child care services are also granted access.

5.2 Applicants, licensees, staff members, and volunteers, if applicable, shall allow and not hinder the interviewing of a licensee, staff member, substitute, child in care, or child's parents or guardians by officials from OCCL or other State and local agencies. Interviews will occur to determine compliance with these regulations and other applicable codes, regulations, or laws. A licensee shall cooperate and have staff members cooperate with investigations regarding allegations of child abuse or neglect conducted by the Department of Services for Children, Youth and Their Families.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

6.0 License Requirements

6.1 A license remains the property of OCCL and is not transferable or subject to sale.

6.2 A licensee shall post the license where it is visible to the public.

6.3 When a center is sold, closes, relocates, or when the license has been suspended or revoked, the license immediately becomes not valid.

6.4 In the event of the licensee's death, the early childhood administrator or a staff member shall inform OCCL within 10 business days. The center may continue to operate for 90 days to allow time for a new applicant to complete the licensing process or to allow families to find alternate care because the center is closing. The license will no longer be valid 90 days after the licensee's death.

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

PART II LICENSING PROCESS AND PROCEDURES

7.0 Procedures for Initial Licensure

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

7.1.1 Attend OCCL's information session and orientation to learn the application process and regulations (an applicant may send the designated representative).

7.1.2 Submit a completed Initial License Application (see Appendix I), which includes:

7.1.2.1 Applicant's name, address, email, and phone numbers;

7.1.2.2 Applicant's references: for corporations contact information for officers; for LLCs contact information for managing member; for public and private schools contact information for the superintendent or equivalent officer;

7.1.2.3 Previous licensure information, if applicable;

7.1.2.4 Program information (including ages of children to be served);

7.1.2.5 Staffing information (including names of proposed employees); and

7.1.2.6 Certifications that include:

7.1.2.6.1 Agreement to comply with federal and State laws and regulations including the Americans with Disabilities Act and the Delaware Equal Accommodations Law;

7.1.2.6.2 Statement that information supplied is true and correct; and

7.1.2.6.3 Acknowledgment that OCCL is required to make a thorough investigation of the applicant.

7.1.3 Submit the following items to OCCL:

7.1.3.1 Blueprints or diagrams of the center;

7.1.3.2 Plan review including an emergency plan;

7.1.3.3 Sample two-week menu, if providing meals or snacks (if using a catering service, a copy of the caterer's food establishment permit);

7.1.3.4 Business plan;

7.1.3.5 Deed, lease, or documentation showing a lease/sale will be entered into at a date prior to licensure for the center. If located in a school, written permission to use an area or classroom is needed. An actual deed or lease is required before the pre-licensing visit is conducted;

7.1.3.6 Fire marshal approval from State fire marshal or designated fire marshal when located within the city limits of Wilmington, Newark, New Castle, or Dover;

7.1.3.7 Proof of compliance with zoning codes and certificates of occupancy or use, and, if applicable, other codes, regulations, guidelines, or laws, such as those regarding building construction, plumbing, Department of Natural Resources and Environmental Control for septic systems, and Office of Drinking Water for well water;

7.1.3.8 Lead-paint risk assessment and requirements of subsection 45.2, if the center was built before 1978;

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

7.1.3.10 Comprehensive background checks, as described in subsection 28.3, for the applicant, early childhood or school-age administrator, and early childhood teacher or school-age site assistant;

7.1.3.11 If an applicant will be present at the center, an applicant's health appraisal must contain a TB test or medical professional risk assessment that verifies the person does not pose a threat of transmitting tuberculosis to children or other staff, and was conducted within one year before the application date. This form must confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have access to children or others and any reasonable accommodations that may be required;

7.1.3.12 For early care and education programs, DEEDS Early Learning certificates for an early childhood administrator and at least one early childhood teacher and for school-age programs, DEEDS Early Learning certificates for a school-age administrator and at least one school-age site assistant;

7.1.3.13 Parent handbook;

7.1.3.14 Staff handbook;

7.1.3.15 Evidence showing each room used for child care to be free of radon hazards using the Environmental Protection Agency's guidelines:

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

7.1.3.15.2 If testing indicates a radon level over 4.0 pCi/L, radon mitigation according to industry standards must occur or a long-term radon test (90-120 days) must indicate a level less than 4.0 pCi/L.
7.1.3.16 Certification of indoor air quality, if applicable;
7.1.3.17 Certificate of liability insurance due by pre-licensing visit; and
7.1.3.18 State business license or verification of tax-exempt status.
7.2 Upon receipt of the completed application and required information, a licensing specialist will:
7.2.1 Review the application and information, and inspect the premises to determine whether the applicant complies with these regulations;
7.2.2 Make a recommendation for licensure. If a license is granted, it will be a six-month initial provisional license; and
7.2.3 Notify the applicant as stated in subsection 13.4.2 if an initial provisional license to operate is denied.
7.3 A licensing specialist shall conduct a compliance review at the center before the expiration of the initial provisional license. Once this review is completed, OCCL will issue a provisional or annual license depending upon whether full compliance is obtained. This license will be valid for six months.
24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

8.0 License Renewal
8.1 A licensee shall submit a completed Renewal License Application (see Appendix II) to OCCL at least 60 days before the current license expires that includes the following:
8.1.1 A sample two-week menu of meals or snacks, if the center provides meals or snacks;
8.1.2 Certificate of liability insurance; and
8.1.3 A copy of the current State business license, unless tax-exempt verification is provided.
8.2 Applications received less than 60 days before the license expiration will be cited as late on the compliance review.
8.3 When a licensee applies on time, the existing license will not expire until OCCL makes a decision on the renewal application.
8.4 When a licensee applies after the license expires, if approved, the new license will start the date OCCL received the application. A license will not be backdated.
8.5 A licensing specialist or licensing supervisor shall verify during an unannounced annual compliance review that the licensee complies with these regulations.
8.5.1 A licensee found to be noncompliant with the regulations will be cited and given a corrective action plan.
8.5.2 Within five days of the citation, a licensee may dispute citations by contacting a licensing supervisor to request a conference or by discussing the citations over the phone.
8.5.2.1 A licensee may provide evidence that the facility was wrongly cited.
8.5.2.2 After the conference or phone conversation, the supervisor will then discuss the information with the licensing specialist and determine whether to remove the non-compliance from the corrective action plan.
8.6 OCCL will issue one of the following types of licenses:
8.6.1 An annual license for 12 months when the licensee is in full compliance with the regulations;
8.6.2 A provisional license when the licensee is unable to achieve full compliance before the current license expires and the licensee agrees to comply with the corrective action plan; or
8.6.3 A license extension when compliance has not been determined through no fault of the licensee.
24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

9.0 Changes Affecting a License
9.1 A licensee shall submit a new application and receive approval before changing the center's name or the type of authorized regulated service.
9.2 A licensee shall submit a revised plan review and receive approval before:
9.2.1 Making additions or renovations to the indoor areas, classrooms, or outdoor areas of the center; or
9.2.2 Changing meal services provided at the center.
9.3 Before the new or renovated area is used or the new meal service begins, a licensing specialist will conduct an on-site visit to confirm the plan was followed.
9.4 A licensee may be required to submit a revised plan review when changing the ages of children served.
9.5 A licensee and prospective licensee shall follow the procedures in subsection 14.1 in preparation for the sale of the center.
25 DE Reg. 1115 (06/01/22)

10.0 Relocation of a Center

10.1 A licensee planning to relocate shall notify OCCL at least 90 days before a planned relocation of a center. A licensee shall complete a Relocation Application (see Appendix II) and submit the following information on the new location to OCCL before a licensing specialist conducts a compliance review:

10.1.1 Blueprints or diagrams of the center;

10.1.2 Plan Review including an emergency plan;

10.1.3 Deed, lease, or documentation showing a lease will be entered into at a date prior to licensure for the center or if located in a school, permission to use an area or classroom;

10.1.4 Fire marshal approval for the center;

10.1.5 Proof of compliance, if applicable, from the appropriate regulatory bodies governing zoning or certificate of occupancy or use, building construction, plumbing, Department of Natural Resources and Environmental Control for septic systems, and Office of Drinking Water for well water;

10.1.6 Certification of indoor air quality, if applicable;

10.1.7 Evidence showing each room used for child care to be free of radon hazards as stated in subsection 7.1.3.15 and mitigation if necessary, as stated in subsection 45.3;

10.1.8 Insurance documentation; and

10.1.9 Lead-paint risk assessment and requirements of subsection 45.2, if the center was built before 1978.

10.2 A licensee may not provide child care at the new location until OCCL issues a license at the new address.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

11.0 Regulation Variance

11.1 An applicant or licensee shall comply with all regulations unless an applicant or licensee requests a variance from OCCL and receives approval.

11.2 The applicant or licensee shall describe on a written variance request form, (see Appendix III), how an applicant or licensee will meet the intent of a specific regulation in a different way from the way the regulation states.

11.2.1 The change may not endanger the health, safety, or well-being of children in care.

11.2.2 The licensee shall keep the variance approval and make it available on request. A variance is valid only for this licensee. If the licensee fails to comply with the variance, OCCL will cancel the variance and require the licensee to comply as the regulation states.

11.2.3 A variance denial may be appealed by requesting a conference with OCCL's director or designee.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

12.0 Complaints

12.1 OCCL shall investigate when a complaint is received regarding a possible violation of these regulations.

12.2 OCCL shall notify the licensee or a staff member that a complaint is being investigated at an unannounced visit.

12.3 OCCL shall report the results of the investigation in writing.

12.4 If the complaint is substantiated or if other violations are found during the investigation, a licensee shall correct the violations and come into compliance with these regulations.

12.4.1 Within five days of receiving the complaint investigation report, a licensee may dispute citations or findings by contacting a licensing supervisor to request a conference or by discussing the citations over the phone.

12.4.2 A licensee may provide evidence that the facility was wrongly cited.

12.4.3 After the conference or phone conversation, the supervisor will then discuss the information with the licensing specialist and determine whether to remove the non-compliance from the corrective action plan.

12.5 Complaints relating specifically to laws, rules, or regulations of other governmental entities (including but not limited to the Americans with Disabilities Act and Delaware Equal Accommodations Law) may be investigated by OCCL if the violation of those laws, rules, or regulations also constitutes a violation of DELACARE Regulations. OCCL may refer these complaints to the appropriate entity, charged with enforcement authority, for investigation. At the time of the referral, OCCL shall request a report of the findings. OCCL shall assist the complaining party with the referral process or make the referral itself, as appropriate. OCCL may coordinate investigation with those other entities and shall request a report of the findings at the conclusion of the investigation. OCCL may adopt another enforcement entity's findings as the basis for an OCCL enforcement action.

12.6 An investigation by the Department of Services for Children, Youth, and Their Families' Institutional Abuse Unit will be made if a complaint is received regarding the abuse or neglect of a child at the center by a staff member.

24 DE Reg. 267 (09/01/20)

25 DE Reg. 1115 (06/01/22)

13.0 Enforcement Actions

13.1 To maintain licensure, a licensee shall follow these regulations and applicable federal, State, and local laws and regulations. Failure to do so will result in a corrective action plan or an enforcement action.

13.1.1 An enforcement action, such as warning of probation, probation, suspension, revocation, or denial of a license application, may be initiated by OCCL when a licensee fails to comply with a corrective action plan or agreement of understanding, or has been cited for serious non-compliance.

13.1.2 A licensee may appeal an enforcement action by requesting a hearing within 10 business days of notification of OCCL's decision to impose the action.

13.1.2.1 This appeal request may be written or verbal for warning of probation or probation. All other appeal requests must be provided by the applicant or licensee in writing.

13.1.2.2 A licensee may provide evidence that the facility was wrongly cited.

13.2 License Suspension

13.2.1 OCCL may immediately suspend a license if the health, safety, or well-being of children in care is in serious or imminent danger.

13.2.1.1 A suspension order requires the licensee to immediately stop providing child care. Absent extenuating circumstances, a suspension order shall be in writing.

13.2.1.2 If a verbal suspension order is provided, it will be followed by a hand-delivered written suspension order by 11 AM the following business day.

13.2.1.3 A written suspension order must state the reason or reasons for the enforcement action.

13.2.2 Within 10 business days of OCCL issuing the written order, the licensee may choose to close permanently, remain suspended until the reason for the suspension has been corrected, or remain suspended and request a hearing in writing.

13.2.3 A hearing must be scheduled and held within 10 business days of the licensee's written request for a hearing.

13.2.3.1 A hearing officer with no previous involvement in the matter must be assigned by the Associate Secretary of Early Childhood Support.

13.2.3.2 The hearing officer may allow delays in the hearing only for good cause.

13.2.3.3 After a hearing officer makes a recommendation, the Secretary determines whether to adopt the recommendation and issues a final decision.

13.2.3.4 The licensee will be notified in writing of the decision of the Secretary. The decision will become final 10 business days after it is mailed or delivered to the licensee.

13.2.4 A licensee dissatisfied with the Department's decision for suspension may file an appeal within 30 business days after the mailing or delivery of the decision notice.

13.2.4.1 A licensee appeals to the Delaware Superior Court in the county where the center is located, by filing the appeal in the Office of the Prothonotary for the Superior Court.

13.2.4.2 A licensee shall supply a copy of the appeal to the Department.

13.2.4.3 The licensee pays any costs for this appeal that Superior Court rules require to be paid by the filing party.

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

13.3 Warning of Probation or Probation

13.3.1 OCCL may place a center on warning of probation or probation when serious non-compliance is cited.

13.3.1.1 OCCL shall notify the licensee in writing of the reasons it intends to place the center on warning of probation or probation.

13.3.1.2 This letter will describe how a licensee may appeal the decision by requesting a hearing to present information that the cited violations are not valid.

13.3.1.3 Warning of probation may initially last up to six months and may be renewed. Probation may initially last up to one year and may be renewed.

13.3.2 Within 10 business days of receiving the written notice, the licensee shall request a hearing or accept the enforcement action.

13.3.3 A hearing must be held within 30 calendar days of the hearing request.

13.3.3.1 The Department will assign a hearing officer with no previous involvement in the matter.

13.3.3.2 A hearing officer may allow delays in the hearing only for good cause.

13.3.4 After a hearing officer makes a recommendation regarding warning of probation, OCCL's director determines whether to adopt the recommendation and makes a final decision. After a hearing officer makes a recommendation regarding probation, the Associate Secretary of Early Childhood Support determines

whether to adopt the recommendation and makes a final decision. OCCL shall notify the licensee in writing of the decision.

13.3.5 A licensing specialist shall conduct unannounced visits during the enforcement period to ensure compliance with these regulations is maintained.

13.3.5.1 The findings will be reported to the licensee in writing.

13.3.5.2 A licensee found to be noncompliant with the regulations will be cited and given a corrective action plan.

13.3.5.2.1 Within five days of the citation, a licensee may dispute citations by contacting a licensing supervisor to request a conference or by discussing the citations over the phone.

13.3.5.2.2 A licensee may provide evidence that the facility was wrongly cited.

13.3.5.2.3 After the conference or phone conversation, the supervisor will then discuss the information with the licensing specialist and determine whether to remove the non-compliance from the corrective action plan.

13.3.6 Failure to comply with licensing regulations while on warning of probation or probation may result in having the enforcement action extended or heightened.

13.3.7 A licensee may not increase the licensed capacity or receive a new license at an additional site while on an enforcement action or when issued a notice regarding OCCL's intent to place the center on an enforcement action.

13.4 Denial of a License Application or Revocation

13.4.1 OCCL may deny a license application or revoke a license for good cause, including but not limited to the following:

13.4.1.1 Failure to comply with applicable provisions of federal, State, or local laws or of these regulations;

13.4.1.2 Violation of the terms or conditions of its license;

13.4.1.3 Fraud or misrepresentation in obtaining a license or in the subsequent operation of the center;

13.4.1.4 Refusal to furnish OCCL with files, reports, or records as required by the law;

13.4.1.5 Refusal to permit an authorized representative of OCCL to gain admission to the center during operating hours;

13.4.1.6 Engaging in any activity, policy, practice, or conduct by the governing body, licensee, or staff member that adversely affects or is deemed by OCCL to be detrimental to the education, health, safety, or well-being of children; or

13.4.1.7 Conduct that otherwise demonstrates unfitness by the governing body, licensee, or early childhood or school-age administrator to operate a center.

13.4.2 OCCL shall notify the applicant or licensee in writing of the reasons it intends to deny a license application or revoke a license. This letter will describe how an applicant or licensee may appeal the decision by requesting a hearing to present information that the cited violations or reasons for the denial are not valid.

13.4.2.1 Within 10 business days of receiving the written notice, the applicant or licensee shall request a hearing in writing or accept the denial or revocation and close within the time stated in the notice.

13.4.2.2 If an applicant or licensee does not make a timely request for a hearing as stated in subsection 13.4.2.1, the denial or revocation will take effect 30 business days after receiving the written notice from OCCL.

13.4.3 A hearing will be held within 30 calendar days of the hearing request.

13.4.3.1 The Department will assign a hearing officer with no previous involvement in the matter.

13.4.3.2 A hearing officer may allow delays in the hearing only for good cause.

13.4.4 If an applicant or licensee requests a hearing in a timely manner, its existing license will be valid until the Department provides a written decision after the hearing. However, OCCL may suspend a license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.

13.4.5 After a hearing officer makes a recommendation, the Secretary determines whether to adopt the recommendation and issues a final decision. The applicant or licensee will be notified in writing of the decision. The decision will become final 10 business days after it is mailed or delivered to the applicant or licensee.

13.4.6 An applicant or licensee who is dissatisfied with the Department's decision regarding revocation or denial may file an appeal within 30 business days after the mailing or delivery of the decision notice.

13.4.6.1 The applicant or licensee appeals to the Delaware Superior Court in the county where the center is located, by filing the appeal in the Office of the Prothonotary for the Superior Court.

13.4.6.2 The applicant or licensee shall supply a copy of the appeal to the Department.

13.4.6.3 The applicant or licensee pays any costs for this appeal that Superior Court rules require to be paid by the filing party.

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

13.4.7 When a license has been revoked or an application has been denied, the licensee or applicant may not apply for a license from OCCL for three years from the date that the revocation or denial was upheld. A facility's designated representative, early childhood administrator, school-age administrator, or person in a leadership role will not be issued a license during this three-year period.

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25 DE Reg. 1115 (06/01/22)

PART III ADMINISTRATION AND ORGANIZATION

14.0 Notification to OCCL

14.1 A licensee shall notify OCCL in writing at least 90 days before the expected closing of the center or a change of ownership, sponsorship, location, center name, capacity, or type of regulated service being provided such as changes the ages of children served.

14.1.1 When a licensee plans to sell a currently licensed center, the prospective licensee shall follow the procedures listed in Section 7.0, before the center is sold so that a child care license can be issued to the new owner when all licensing criteria are met and the sale is finalized. Lead-risk assessments are transferrable.

14.1.2 Once the initial licensing procedures are completed by the prospective owner, a licensing specialist will conduct a pre-licensing visit to issue a license that becomes effective the date the facility is sold. If non-compliance is cited, a corrective action plan will be created with a maximum of 30 days for completion assuming no major health or safety violations were cited.

14.1.3 The prospective licensee shall provide a copy of the bill of sale to OCCL before OCCL will issue the license.

14.2 A licensee shall notify OCCL in writing within 30 days of a change in governing body as defined in Section 15.0.

14.2.1 If the change in governing body creates a change in the licensee's designated representative, the new designated representative must complete a comprehensive background check, as described in subsection 28.3.

14.2.2 OCCL may seek to suspend or revoke a licensee whose governing body engages in any activity, policy, practice, or conduct that adversely affects or is deemed by OCCL to be detrimental to the education, health, safety, or well-being of children.

14.3 A licensee shall notify OCCL within five business days of the resignation, termination, transfer, or hiring of the early childhood or school-age administrator. An early childhood administrator or staff member shall notify OCCL within 10 business days of the death of the licensee.

14.4 A licensee shall ensure OCCL is called within one business day Monday-Friday from 8:00 AM to 4:30 PM (The caller must speak with someone; leaving a message is not acceptable) in the event of:

14.4.1 A fire, flood, or other disaster causes damage that affects the center's ability to operate safely;

14.4.2 Injury of a child while in the care of a center or accidental ingestion of a medication or drug, when the center is informed the child required medical or dental treatment other than any first aid provided at the center. A licensee shall follow this call with a written report within three business days;

14.4.3 Suspected abuse or neglect of a child while in care (after reporting the suspicion to the 24-Hour Child Abuse Report Line, currently listed as 1-800-292-9582);

14.4.4 A known arrest or conviction of a staff member or licensee;

14.4.5 A child had a reaction to medication requiring medical treatment or received medical treatment because of a medication error such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route. The licensee shall follow this call with a written report within three business days;

14.4.6 The phone number of the center changes (must also notify a parent or guardian and staff members);

14.4.7 A child is abducted from the center or is missing while in the center's care; or

14.4.8 An equipment breakdown that threatens the health and safety of children in care, including but not limited to lack of working toilets, interruption of running water, loss of phone service or power, failure of any fire protection system, and heating or air-conditioning failure.

14.5 The licensee shall immediately call the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582) when a child in care dies. After this call, a licensee shall immediately notify OCCL.

14.6 A licensee shall ensure telephone calls from OCCL requiring a response are returned within two business days.

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25 DE Reg. 1115 (06/01/22)

15.0 Governing Body

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

15.2 A licensee, governing body, if applicable, and employees shall follow all applicable federal, State, and local laws and regulations, including, but not limited to, the Americans with Disabilities Act and Delaware Equal Accommodations Law.

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

24 DE Reg. 267 (09/01/20)

16.0 Insurance Coverage

A licensee shall have documentation of motor vehicle insurance if transporting children in a vehicle that is owned or leased by the center, comprehensive general liability insurance, and other insurance as required by State law.

17.0 Telephones

17.1 A licensee shall ensure a center has a working, publicly-listed phone number. This on-site phone must have a feature that allows a caller to leave a voicemail message. The licensee shall provide the new phone number to the parent or guardian, staff, and OCCL within one business day if it changes.

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

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

18.0 General Human Resources and Personnel Policies

A licensee shall have and follow written policies and practices that include procedures for positive behavior supports for children, handling allegations of child abuse and neglect, for hiring, discipline, dismissal, dishonesty, suspension, and lay-off of staff members in accordance with applicable laws. These policies must be available to staff members and prospective staff members.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

19.0 Child Abuse and Neglect Reporting Requirements

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

19.2 Allegations of Abuse or Neglect against a Staff Member

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

19.2.2 The licensee shall eliminate the factors or circumstances that may result in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the center by a staff member.

19.2.3 The licensee shall ensure the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582) is immediately notified when suspected child abuse or neglect occurs at the center.

19.2.4 A staff member alleged to have abused or neglected a child in care may not have direct contact with any child until the completion of the incident's investigation by the Institutional Abuse Unit. However, at the licensee's discretion, the staff member may be reassigned to other duties that do not involve contact with children.

19.2.5 If the licensee is alleged to have abused or neglected a child, the licensee may not be present in the center when children are present until the completion of the Institutional Abuse Unit's investigation.

25 DE Reg. 1115 (06/01/22)

20.0 Positive Behavior Supports

20.1 A licensee shall have and follow an easy-to-understand written children's behavior supports statement. The statement shall be posted in a noticeable place in the center and provided to a parent or guardian and staff.

20.2 A licensee shall ensure that all staff use prevention strategies, appropriate redirection rather than restraint, and positive developmentally-appropriate methods of behavior supports for children, which encourage self-control, self-direction, positive self-esteem, social responsibility, and cooperation.

20.2.1 Staff shall give directions and guidance in a clear, non-threatening manner.

20.2.2 In addition, staff members shall intervene quickly to ensure the safety of children and others; redirect children by suggesting other acceptable behaviors; escort the child to a different setting when necessary and speak so children understand their feelings are important and acceptable, but their disruptive behavior is not.

20.2.3 As children develop, these methods must be modified to encourage them to control their own behavior, cooperate with others, and solve problems by developing ideas about the best possible solution.

20.3 A licensee shall ensure staff members consult with a child's parent or guardian and professionals, if necessary, to design effective positive behavioral supports or to make reasonable accommodations to comply with provisions in an IFSP or IEP and to adapt behavior supports or other practices for a child who has a special need or disability.

20.4 A licensee shall ensure staff members teach by example by always being respectful when speaking to children while at the center.

20.5 A licensee shall ensure that if "time-out" is used, it is used only as necessary to help the child gain control of behavior and feelings. It must be used as a supplement to, not a substitute for, other developmentally-appropriate methods of behavior management.

20.5.1 "Time-out" must be limited to brief periods of no more than one minute for each year of a child's age.

20.5.2 "Time-out" may not be used for infants.

20.5.3 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.

20.5.4 A child removed from the group or room during a "time-out" must be supervised. Before rejoining the group or at another time, a staff member must talk to the child in ways that encourages the child to make better decisions in the future.

20.6 A licensee shall ensure the following actions are prohibited:

20.6.1 Roughly handling a child or physical punishment inflicted on a child's body, including, but not limited to the following: shaking, grabbing, striking, hair pulling, biting, pinching, plucking, slapping, hitting, kicking, or spanking;

20.6.2 Yelling at, humiliating, or frightening children;

20.6.3 Physically or sexually abusing a child;

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

20.6.5 Denying children food, water, or toilet use for inappropriate behavior;

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

20.6.6.1 If the child or others are in imminent danger or a risk to themselves or others, physical holding for as brief as possible to remedy the risk or removing the child to a safer location is permissible. Supervision is required.

20.6.6.2 In the event physical holding is used, documentation must occur by the staff. The early childhood or school-age administrator shall be involved in monitoring and managing the situation to ensure safety of all (child and staff member).

20.6.7 Punishing children for a toileting accident, or for failing to fall asleep, eat food, or complete an activity;

20.6.8 Withholding physical activity as punishment; or

20.6.9 Encouraging or allowing children to hit, punish, or discipline each other.

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25 DE Reg. 1115 (06/01/22)

21.0 Food Service Policy

21.1 A licensee shall have and follow a written policy concerning food service. This policy must be given to a parent or guardian at enrollment and when updated. This policy must include:

21.1.1 A statement that children are encouraged but not forced to eat;

21.1.2 Approximate times of snacks and meals;

21.1.3 Procedures to address food allergies (for foods provided by the center or a parent or guardian); and

21.1.4 A description of which food services will be provided by the licensee or by a parent or guardian.

21.2 A licensee shall ensure when meals or snacks are provided by the center the food service policy includes:

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

21.2.2 A policy on whether additional servings of foods will be served to a child who has been fed and is still hungry.

21.3 A licensee shall ensure when meals and snacks are provided by a parent/guardian the food service policy includes:

21.3.1 Statements that meals or snacks may not be shared with others;

21.3.2 Statements that foods must be clean and safe and comply with the center's written policy concerning the content of foods provided by a parent/guardian;

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

21.3.4 Procedures that the center will follow to provide a meal or snack to a child who has not brought one or both.

25 DE Reg. 1115 (06/01/22)

22.0 Breast Feeding

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

23.0 Center Parent or Guardian Handbook

23.1 A licensee shall have and follow an organized system of respectful communication with parents and guardians and provide a handbook at enrollment that includes the following information:

23.1.1 Assurances that parent's or guardian's visits and monitoring of the program are welcomed and permitted without prior approval;

23.1.2 Assurances of non-discrimination based on race, color, national origin, gender, age, sex, pregnancy, marital status, sexual orientation, gender identity or expression, religion, creed, disability, veteran's status, or any other category protected by state or federal laws;

23.1.3 A statement of the center's developmental and educational goals for children as stated in subsection 73.2 including procedures for regularly informing the parent or guardian about the program and the child's developmental and educational progress including a minimum of one annual conference between center staff and the parent or guardian;

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

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

23.1.6 Upon request, a procedure for informing the parent or guardian of the identities and contact information of the governing body members and owners, as applicable;

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

23.1.8 A procedure for accepting and handling complaints from the parent or guardian;

23.1.9 Procedures related to the release of children including:

23.1.9.1 Releasing children only to people approved by a parent or guardian including a process for the emergency release of a child;

23.1.9.2 Monitoring the entrance of the center or phone, email, or other communication methods used by the center to ensure the child is released from care when requested by the parent, guardian, or authorized release person;

23.1.9.3 Allowing school-age children to walk home or from the school bus stop to the center each with written parent or guardian permission;

23.1.9.4 Checking the identity of an unknown approved person before releasing the child and keeping documentation of this verification except for bus drivers contracted by the child's school;

23.1.9.5 Handling situations in which a non-custodial parent attempts to claim the child without custodial parent or guardian permission;

23.1.9.6 Handling situations in which an unapproved person attempts to pick up a child; and

23.1.9.7 Handling situations when a person who seems to be intoxicated or unable to bring the child home safely requests the release of a child;

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

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

23.1.12 Procedures for using a written transition plan when enrolling a child or when moving a child permanently from a particular group or room. The parent or guardian must be informed in advance;

23.1.13 Policies for routine and emergency health care including procedures to follow in case of illness; plans for accessing emergency services, including transportation and parent or guardian notification; illness exclusions including reportable communicable diseases; parent or guardian notification of communicable disease or condition; and administration of medication policies including reasonable accommodations for a child with disabilities;

23.1.14 Policies for child suspension and expulsion such as the “Best Practice Statement for the Prevention of Expulsion and Suspension in Delaware Early Childhood Programs,” that can be found on the “My Child DE” website;

23.1.15 Policies on positive behavior supports, food and nutrition services as described in Section 21.0, safety and sanitation, physical activity, screen time, photographing or videotaping children, and transporting children, as applicable; and

23.1.16 A typical daily schedule of the center's programs and activities.

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PART IV STAFFING REQUIREMENTS AND QUALIFICATIONS

24.0 Staff Qualifications

24.1 A licensee shall ensure sufficient qualified staff members are hired and retained to meet the requirements of these regulations. A licensee shall ensure a copy of the qualifications certificate is kept in the staff member's file.

24.2 Staff members qualified by Delaware First, before the effective date of these regulations shall keep that qualification.

24.3 A licensee shall ensure each staff member without a qualifications certificate submits, within 60 days of hire, true and accurate documentation to DEEDS Early Learning showing how the staff member is qualified for a position. OCCL shall determine what education, training, or experience is acceptable as an equivalent to meeting the stated qualifications. Credits from a regionally accredited college or university may be used as other equivalent training as accepted by OCCL or its designee.

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

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

24.3.3 A licensee shall ensure high school diplomas or equivalents, college transcripts, or degrees from other countries used to verify education for a position are evaluated by an independent credentialing agency accepted by OCCL or its designee.

24.4 Supervised experience may be used for designated positions and will reduce the required experience by half.

24.4.1 To participate in supervised experience, a staff member shall demonstrate the ability to select and present developmentally-appropriate lessons, activities, and curriculum for individual children as well as for small and whole groups of children.

24.4.2 Demonstration must be observed and documented by an early childhood administrator, early childhood curriculum coordinator, or an early childhood teacher with a degree. Supervised experience for school-age positions may be observed and documented by a school-age administrator.

24.4.3 Supervised experience may only be earned at a licensed center.

24.4.4 The process and forms used to document supervised experience are located on OCCL's website. OCCL's approval is needed before supervised experience begins.

24.5 Early Childhood Administrator

24.5.1 A licensee shall ensure that the early childhood administrator is at least 21 years old and meets the following education and experience qualifications:

Education	Area of Study or Major	Regionally Accredited College or University Credits [1][2]	Experience [2][3]
At least a bachelor's degree or associate degree from a regionally accredited college or university in early childhood education	Early childhood education	Successful completion of degree with early childhood major	12 months of experience working with children ages birth through second grade in a group
At least a bachelor's degree or associate degree from a regionally accredited college or university	Any area of study or any major	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, developmental curriculum planning, or environment and curriculum, social-emotional development; observation or assessment; and at least one three-hour early childhood elective of the student's choice Or A Montessori Full or Associate Credential from a MACTE approved training program when working in a Montessori program	12 months of experience working with children ages birth through second grade in a group
[1] An administrator's credential may substitute for three college or university credits when issued by DOE or other OCCL approved agencies. Having an early childhood or school-age administrator's credential alone does not qualify a person as an early childhood administrator or a school-age administrator.			
[2] A currently certified teacher who is certified to work with children birth through second grade meets the education and experience qualifications to be an early childhood administrator.			
[3] Three months of supervised student teaching of children birth through second grade as part of a college or university program may substitute for six months of the required experience.			

24.5.2 An early childhood administrator without a degree, who formerly qualified as the program director at a center licensed before January 1, 2007, is able to serve as the early childhood administrator. To keep this qualification, this person must remain at that original center or may transfer only to a center licensed before January 1, 2007, that is owned by the same licensee. This center must have a qualified early childhood teacher with at least an associate degree creating, developing, and evaluating curriculum and monitoring its implementation.

24.6 Early Childhood Curriculum Coordinator

24.6.1 Persons qualified as an early childhood curriculum coordinator before the implementation of these regulations will retain that qualification. The qualification is transferrable to any place of employment at a licensed child care center in Delaware.

24.6.2 Persons previously qualified as an early childhood curriculum coordinator may function in the position of an early childhood teacher.

24.7 Early Childhood Administrator - Specialized Training

24.7.1 If the center serves infants or toddlers, a licensee shall ensure either the early childhood administrator has successfully completed 15-clock-hours of accepted training in infant or toddler development and curriculum. The clock hours may be from college or university credits.

24.7.2 If the center serves school-age children, a licensee shall ensure either the early childhood administrator has successfully completed 15-clock-hours of accepted training in school-age care. The clock hours may be from college or university credits. A center employing a school-age administrator who functions in that role is exempt from this requirement.

24.8 Early Childhood Teacher

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

Early Childhood Teacher Qualifications			
Education	**Area of Study or Major**	**Regionally Accredited College or University Credits**	**Experience[1]**

Bachelor's degree or associate degree from a regionally accredited college or university	Early childhood education, child development, elementary education, elementary special education, or child psychology	Successful completion of at least six credits from a regionally accredited college or university in child development or early childhood education	Three months of supervised student teaching as part of a college or university program for children ages birth through second grade -or- Six months of experience working with children birth through second grade in a group
	Any area of study or any major	Successful completion of at least six credits from a regionally accredited college or university in child development or early childhood education	Six months of experience working with children birth through second grade in a group
High school diploma or equivalent recognized by DOE	Any area of study	Successful completion of at least nine credits from a regionally accredited college or university of which three credits must be in early childhood education, child development, and positive behavior supports -or- Valid Child Development Associate Credential (CDA) -or- Successful completion of Training for Early Care and Education 1 and 2 (TECE 1 and TECE 2) or equivalent training as recognized by OCCL, such as training that received the Council for Professional Recognition's CDA Gold Standard SM Comprehensive certification -or- Montessori Infant and Toddler Full or Associate Credential or Montessori Early Childhood Full or Associate Credential from a MACTE approved training program -or- Successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program -or- Successful completion of a vocational or technical high school's three year program in early childhood education approved by DOE	12 months of experience working with children birth through second grade in a group

[1] Supervised experience may substitute for half of the required experience.

24.9 Early Childhood Assistant Teacher

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

Early Childhood Assistant Teacher Qualifications

Education	Area of Study or Major	Regionally Accredited College or University Credits	Experience [1]
High school diploma or equivalent recognized by DOE	Any area of study	Successful completion of at least three credits in early childhood education and three credits in child development from a regionally accredited college or university - or - Successful completion of Training for Early Care and Education 1 or TECE 1 or equivalent training as recognized by OCCL, such as training that received the Council for Professional Recognition's CDA Gold Standard℠ Comprehensive certification - or - Successful completion of a traditional high school's career pathway program in early childhood education accepted by DOE	Six months of experience working with children birth through second grade in a group

[1] Supervised experience may substitute for half of the required experience.

24.10 Early Childhood Caregiver

24.10.1 A licensee shall ensure a staff member who formerly qualified as an early childhood caregiver at a specific center licensed before January 1, 2007, may continue to serve in that role.

24.10.2 To keep this qualification, a caregiver remains at that original center or transfers only to a center licensed before January 1, 2007, that is owned by the same licensee.

24.11 Early Childhood Intern

24.11.1 A licensee shall ensure an early childhood intern is at least 16 years old.

24.11.1.1 An early childhood intern may be 15 years old if attending a high school's early childhood education program and enrollment documentation is on file at the center.

24.11.1.2 An early childhood intern may count in the staff/child ratio.

24.11.1.3 An early childhood intern must always be under the direct observation of at least an early childhood assistant teacher or early childhood caregiver except as listed in subsection 24.11.3.

24.11.1.4 An early childhood intern must be at least four years older than any child in the intern's direct care.

24.11.2 A licensee shall ensure an early childhood intern meets one of the following education qualifications:

24.11.2.1 Successful completion of at least 15-clock-hours of quality-assured training in early care and education including OCCL's approved Health and Safety Training for Child Care Professionals (Persons previously qualified as interns will keep that qualification);

24.11.2.2 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

24.11.2.3 Successful completion of the education requirement for a higher position in these regulations.

24.11.3 While maintaining required ratios and group size, a qualified early childhood intern who is at least 18 years old and determined eligible by CHU may be alone with children when:

24.11.3.1 Walking children to or from a bathroom;

24.11.3.2 Walking children to or from receiving first aid treatment;

24.11.3.3 Walking children to or from a bus stop;

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

24.11.3.5 Supervising an ill child while waiting for pick-up by a parent or guardian; and

24.11.3.6 Supervising a group of napping children, ages one and older; and

24.11.3.7 Supervising children ages toddler through school-age, after working at the center for at least 25 hours each week for at least one month.

24.12 Early Childhood Aide

24.12.1 A licensee shall ensure an early childhood aide is at least 16 years of age.

24.12.2 An early childhood aide may be 15 years old if attending a high school's early childhood education program and enrollment documentation is on file at the center.

24.12.3 An early childhood aide must always be under the direct observation of at least an early childhood intern who is at least 18 years old, determined eligible by CHU, and who has worked at the center for at least 25 hours each week for at least one month.

24.12.4 An early childhood aide may not be alone with children.

24.12.5 An early childhood aide must be at least four years older than any child in the early childhood aide's direct care.

24.12.6 An early childhood aide will count in the staff-to-child ratio only during the first 12 months of employment at a single center or affiliated center.

24.12.7 An early childhood aide attending a high school's early childhood education program with enrollment documentation on file at the center may count in the staff-to-child ratio while enrolled in the high school program.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

25.0 Substitutes, Volunteers, and Contracted Special Services Persons

25.1 Substitutes

25.1.1 A licensee shall ensure a person may be a substitute at age 15 only if attending a high school's early childhood education program. A licensee shall ensure enrollment documentation is on file at the center.

25.1.2 A licensee shall have substitute staff members that are at least 16 years old. Documentation of their qualifications to fill a position during the absences of staff is required if alone with children.

25.1.3 Substitutes may count toward staff-to-child ratios for one year without being qualified as at least an early childhood intern.

25.1.4 A licensee shall ensure a substitute who is not qualified to be alone with children is at all times under the direct observation of at least an early childhood intern or school-age intern, who is at least 18 years old, determined eligible by CHU, and has worked at the center for at least 25 hours each week for at least one month.

25.1.5 As described in Section 30.0, a licensee shall ensure each substitute has a complete file.

25.1.6 Substitutes working less than 25 hours per week are exempt from having a professional development plan and completing annual training hours.

25.2 Volunteers

25.2.1 A licensee shall ensure a person may be a volunteer at age 15 only if attending a high school's early childhood education program. A licensee shall ensure enrollment documentation is on file at the center.

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

25.2.3 Volunteers providing unpaid services of less than five days or 40 hours a year are not required to have comprehensive background checks or a file and may never be alone with children.

25.2.4 A licensee shall ensure volunteers providing unpaid services of at least five days or 40 hours a year are fingerprinted by State Police and complete a comprehensive background check as described in subsection 28.3. Volunteers who had a comprehensive background check and were determined eligible may be alone with children if qualified as at least an early childhood assistant teacher or school-age site assistant. Comprehensive background checks must be conducted every five years.

25.2.5 A licensee shall ensure an on-site file is created for each volunteer who volunteers at least five days or 40 hours per year before the volunteer begins to volunteer that includes the following:

25.2.5.1 Personal data sheet, containing the person's name, date of birth, home address, and phone number;

25.2.5.2 Volunteer start date and end date (as applicable);

25.2.5.3 Qualifications certificate, if applicable;

25.2.5.4 Health appraisal that includes verification of the person's ability to perform essential job functions. This appraisal must include a TB test or medical professional risk assessment that verifies the person does not pose a threat of transmitting tuberculosis to children or other staff. This appraisal must be conducted within one year before a person's start date and submitted within the first month of volunteering. Written evidence of follow-up of any known health conditions of the volunteer that pose a direct threat to the health and safety of children or others and any reasonable accommodations that may be required. This documentation shall be provided to OCCL for the purposes of determining whether the health condition creates a significant risk to children;

25.2.5.5 Statement signed by the volunteer stating whether the volunteer has previous convictions, current indictments, or involvement in criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual offense; gross irresponsibility or disregard for the safety of others; or a substantiated case of child abuse or neglect;

25.2.5.6 Verification of fingerprinting form completed before the adult volunteer's start date or within five days of a volunteer turning 18 and every five years of volunteering;

25.2.5.7 Comprehensive background check results;

25.2.5.8 Verification of adult abuse registry check;

25.2.5.9 Documentation acknowledging that using alcohol or a drug that could adversely affect job functions, or having illegal drugs or substances, or non-prescribed controlled substances, is prohibited at the center;
25.2.5.10 If transporting children, a copy of a current driver's license;
25.2.5.11 Written proof of an annual review of safe sleep procedures (for programs serving infants);
25.2.5.12 Written proof of an initial and annual review of child abuse and neglect recognition and reporting procedures;
25.2.5.13 Orientation form that meets the requirements of Section 32.0 when counting toward staff-to-child ratios and includes documentation that the center's policies and procedures as applicable to assigned duties was reviewed; and
25.2.5.14 If counting toward staff-to-child ratios, a professional development plan and record of annual training hours as listed in subsections 33.2 and 33.3.

25.2.6 Volunteers working as part of an institution of higher education's degree-granting program and assigned to a center may be present on a provisional basis after completing a State and federal fingerprint check for that center.
25.2.6.1 They must be supervised at all times. When eligibility is determined and if qualified as at least an early childhood assistant teacher or school-age site assistant, they may be alone with children.
25.2.6.2 When being fingerprinted, volunteers may list multiple centers on the consent form.
25.2.6.3 The fingerprint verifications for these students must be on file at the center.
25.2.6.4 A complete file is not required.

25.3 Contracted Special Services Persons

25.3.1 A licensee shall ensure individuals providing contracted special services (such as tutoring, computer education, and language lessons) who are not employees of the center are not alone with children, unless they complete a comprehensive background check for the center and are determined eligible. Documentation of eligibility must be on file at the center. Written parent or guardian permission is required for participation in the activity.

25.3.2 A staff file is not required for individuals described in subsection 25.3.1.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

26.0 Staffing

26.1 A licensee shall ensure the center has a qualified early childhood administrator who functions in that role.

26.2 A licensee shall ensure when an early childhood administrator resigns, transfers, or is terminated from employment, a new qualified early childhood administrator is hired within 45 business days.

26.3 A licensee shall ensure an early childhood administrator is at the center at least 50% of the hours of operation and functioning in that role.

26.3.1 When the early childhood administrator is not present, a licensee shall ensure a staff member who is qualified as at least an early childhood teacher is present and designated as responsible for the center. This staff member must receive documented training in the emergency procedures, opening and closing procedures, the location of and access to child and staff files, and supervision of children and staff.

26.3.2 When 75% of center's population consists of school-age children, the center may operate with a school-age administrator and preschool-age children must be supervised by the appropriate early childhood qualified staff members.

26.4 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 shown in the table below during hours of operation:

Number of Early Childhood Teachers	Number of Early Childhood Assistant Teachers, Caregivers, Interns, and Aides
1	1 to 4
2	5 to 8
3	9 to 12
4	13 to 16
5	17 to 20
(continue as needed)	

26.5 A licensee shall ensure a staff member with a valid administration of medication certificate is available at all times as described in subsection 63.1.

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

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

27.0 Ratios, Group Size, and Supervision

27.1 A licensee shall ensure supervision and direct observation of children is provided at all times. This supervision occurs through the assignment of qualified staff members who are physically present and working with children. The licensee shall maintain the minimum staff/child ratio, except as stated in subsection 27.5, and maximum group size for each age group as listed in the table below:

	Age of Child	Minimum Staff-to-Child Ratio	Maximum Group Size
Infant	Under 12 months	1:4	8
Young toddler (1 year old)	12 through 23 months	1:6	12
Older toddler (2 year old)	24 through 35 months	1:8	16
Young preschool child (3 year old)	36 through 47 months	1:10	20
Older preschool child (4 year old)	48 months or older and not yet attending kindergarten or higher	1:12	24
School-age child	Attending kindergarten or higher	1:15[1]	30

[1] A licensee may apply for a variance from the minimum staff-to-child ratio to a staff-to-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 shall have and follow a plan to comply with the staff-to-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 a teacher's absence must be submitted to OCCL with the Variance Request form. No variance from the maximum group size of 30 will be granted.

27.2 A licensee shall maintain the staff-to-child ratio for infants at all times. A staff member shall be assigned to care for specific infants and toddlers within the staff member's group.

27.3 For mixed age groups, the staff-to-child ratio and group size requirements are for the age of the youngest child present.

27.4 While maintaining staff-to-child ratio, maximum group size may be exceeded when 12 or fewer children are present in the center.

27.5 During nap times when children one year and older are sleeping, a licensee shall ensure at least half of the required staff members are present and directly observing the children.

27.5.1 A staff member may not sit between multiple classrooms or areas and monitor groups of napping children.

27.5.2 Maximum group size may not be exceeded.

27.6 A licensee shall ensure a staff member who is qualified as at least an early childhood teacher is present at all times during the hours of operation. A licensee shall have at least two staff present when seven or more children one year and older are present. The licensee shall have and follow emergency procedures providing immediate access to emergency services and an additional staff when only one staff member is present with children.

27.7 A licensee shall ensure infants and toddlers are cared for in rooms and outdoor play areas suitable for these age groups separate from older children except in the following situations:

27.7.1 When 12 or fewer children in total are present, provided that no more than nine of the 12 children are school-age;

27.7.2 During the first 90 minutes and last 90 minutes of the hours of operation, provided that no more than nine school-age children are present in one area;

27.7.3 When toddlers turn three years old and remain with their classes until new classrooms are assigned; or

27.7.4 During special events or occasions.

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

25 DE Reg. 1115 (06/01/22)

28.0 General Qualifications

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

28.2 A licensee shall ensure using alcohol or a drug that could adversely affect job functions, or having illegal drugs, substances, or a non-prescribed controlled substance is prohibited in the workplace.

28.3 A licensee shall ensure a staff member schedules a fingerprinting appointment with Delaware State Police and is fingerprinted for a Delaware SBI and FBI check before the start of employment. Beginning January 1, 2023, a licensee shall ensure a staff member is fingerprinted and the licensee has received an eligibility determination or a provisional eligibility notification before the start of employment.

28.3.1 Staff members shall provide the fingerprint verification form to the licensee before working with children. Beginning January 1, 2023, a licensee shall ensure a staff member is fingerprinted and the licensee has received an eligibility determination or a provisional eligibility notification before the start of employment.

28.3.2 In addition to the Delaware fingerprinting, staff members who currently reside outside of Delaware must contact their state of residence and complete a fingerprinted state criminal history search and a name-based child abuse and neglect search.

28.3.3 Staff members who have resided outside of Delaware in the last five years shall contact each state of residence, and request a criminal history search and a name-based child abuse and neglect search.

28.3.4 After the out-of-state searches are completed, the early childhood or school-age administrator shall submit the results immediately to the Criminal History Unit (CHU).

28.3.5 While waiting for the results of the background check, a staff member must be supervised at all times by a person who has completed the background check process and been determined eligible.

28.3.6 A staff member may not be alone with children until CHU reviews the comprehensive background check and determines eligibility.

28.3.7 A licensee shall ensure results of all record checks are placed in the staff member's file.

28.3.8 A licensee shall ensure staff, substitutes, volunteers, and contracted special service persons who require comprehensive background checks obtain each required component of the comprehensive background check every five years of employment or association with the center.

28.4 A licensee shall complete an adult abuse registry check through the Department of Health and Social Services' website (currently listed as https://dhss.delaware.gov/dhss/dhcq/Default.aspx) for staff members before their start date. A licensee shall ensure the results are printed and placed in the staff member's file.

28.5 A licensee may not own or be employed at a center if the licensee is prohibited from working in child care in Delaware, based on both State law and the federal Child Care Development Block Grant Act. Applicants and licensees who have a child or children currently or permanently removed from their custody because of abuse, neglect, or dependency are prohibited from providing child care.

28.5.1 A licensee shall comply with the DELACARE Regulations - Background Checks for Child-Serving Entities.

28.5.2 A licensee may not employ or retain a person who is prohibited from working in child care in Delaware based on both the State law and the federal Child Care Development Block Grant Act. If a person is determined ineligible, the licensee shall make the final determination on whether to hire or retain the person.

28.5.3 The licensee may not employ or retain in any capacity a person convicted of an offense defined as child sexual abuse in 11 **Del.C.** §8550; or who is on the Child Protection Registry at a Level III or Level IV.

28.5.4 When known, the licensee may not employ or retain in any capacity a person whose child or children are currently removed from this person's custody because of abuse or neglect.

28.5.5 After receiving an eligibility determination, a person who is determined ineligible or prohibited under the DELACARE Regulations - Background Checks for Child-Serving Entities, is entitled to an administrative review for reconsideration.

28.5.5.1 If the person requests an administrative review, the licensee and the person shall be bound by the final eligibility decision of the administrative review.

28.5.5.2 If a person is determined ineligible, the licensee shall make the final determination on whether to hire or retain the person.

28.5.5.3 If a person is determined prohibited, the person may not work in child care.

28.6 A licensee shall require staff members to be truthful when providing information to parents/guardians and OCCL.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

29.0 Adult Health Requirements

A licensee shall ensure a staff member with a known contagious communicable disease does not provide personal care to or have direct contact with children. A licensee shall inform DPH of a reportable communicable disease. Information regarding the communicable diseases that require reporting may be located on DPH's website (currently listed as https://dhss.delaware.gov/dph/dpc/rptdisease.html). Attendance of staff shall be under DPH's direction.

25 DE Reg. 1115 (06/01/22)

30.0 Personnel Files

30.1 A licensee shall have an on-site confidential paper or accessible electronic file for each staff member and substitute. This file must be available upon request for at least three months after employment ends. Except as noted, all file contents are required at the start of employment and must include the following:

30.1.1 Personal data sheet, completed application, or résumé containing the person's name, date of birth, home address, and phone number;

30.1.2 Date of employment and termination or resignation date (as applicable);

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

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

30.1.5 Statement signed by the staff member stating whether the staff member has previous convictions, current indictments, or involvement in criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual offense; gross irresponsibility or disregard for the safety of others; or a substantiated case of child abuse or neglect;

30.1.6 Documentation acknowledging that using alcohol or a drug that could adversely affect job functions, or having illegal drugs, substances, or non-prescribed controlled substances, is prohibited in the center;

30.1.7 Orientation form that includes documentation of training in topics as listed in Section 32.0;

30.1.8 Copy of job description;

30.1.9 Verification of fingerprinting form completed before the adult staff member's start date or within five days of a staff member turning 18 and verification of fingerprinting every five years of employment;

30.1.10 Comprehensive background check eligibility letter and additional eligibility letters every five years of employment;

30.1.11 Adult abuse registry check;

30.1.12 Health appraisal on file within the first month of employment, conducted within one year before the start date. This appraisal must confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required. Written evidence of follow-up of any known health condition of the staff member that pose a direct threat to the health and safety of children or others and any reasonable accommodations that may be required. This documentation shall be provided to OCCL for the purposes of determining whether the health condition creates a significant risk to children;

30.1.13 TB test or medical professional risk assessment that verifies the person does not pose a threat of transmitting tuberculosis to children or other staff on file within the first month of employment, conducted within one year before the start date;

30.1.14 Written proof of an annual review of safe sleep procedures (for programs serving infants);

30.1.15 Written proof of an initial and annual review of child abuse and neglect recognition and reporting procedures;

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

30.1.17 Qualifications certificate, if applicable;

30.1.18 Current first aid and CPR certifications within two months of hire, if applicable;

30.1.19 Administration of medication certificate and record of annual training hours, if applicable; and

30.1.20 If transporting children, a copy of a current driver's license.

24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

31.0 Owner's File

31.1 The center's owner shall be considered a staff member and actively involved if present at the center during hours of operation for seven or more hours per week and providing direct child care. A licensee shall ensure the file of such an owner is on-site, available for review, and only required to include the following:

31.1.1 Job description;

31.1.2 A professional development plan;

31.1.3 Record of annual training hours;

31.1.4 Current first aid and CPR certifications;
31.1.5 Qualifications certificate, if applicable;
31.1.6 Written proof of an annual review of safe sleep procedures (for programs serving infants);
31.1.7 Written proof of an initial and annual review of child abuse and neglect recognition and reporting procedures;
31.1.8 Administration of Medication certificate; and
31.1.9 If transporting children, a copy of a valid driver's license.
31.2 Owners of a center who do not meet the requirements of subsection 31.1 are not required to have a personnel file on-site.
25 DE Reg. 1115 (06/01/22)

32.0 Orientation
32.1 A licensee shall document that all staff members, all substitutes, and volunteers working at least five days or 40 hours a year receive training in the following topics before working with children:
32.1.1 DELACARE Regulations (related to job duties);
32.1.2 Personnel and administrative policies;
32.1.3 Release of children including procedures for situations listed in subsection 23.1.9;
32.1.4 Positive behavior supports;
32.1.5 Child accident and injury procedures;
32.1.6 Administration of medication certification, within two months of hire, if administering medication to children;
32.1.7 Child care goals and program for children;
32.1.8 Recordkeeping, including documenting children and their own attendance;
32.1.9 Family involvement;
32.1.10 Food and nutrition services, including proper handling, storage, preparation, and feeding of breast milk and formula, if applicable;
32.1.11 Safety and sanitation procedures;
32.1.12 Physical activity;
32.1.23 Screen time as described in subsection 76.4;
32.1.24 Photographing or videotaping children;
32.1.25 Transporting children, if applicable;
32.1.16 Recognition of the symptoms of child abuse and neglect law, the child abuse and neglect law and reporting requirements; and
32.1.17 Information on federal and State laws or regulations applicable to children and families in care, including non-discrimination.
32.2 The orientation must include the opportunity for staff members to ask questions and receive clarification on their job functions, licensing regulations, and center policies. When information is revised, a licensee shall ensure staff members are informed of the changes.
32.3 A licensee shall ensure all staff members, all substitutes, and volunteers working at least five days or 40 hours a year complete OCCL's approved Health and Safety Training for Child Care Professionals before working with children. This training provides professional development training hours and includes the following topics:
32.3.1 Emergency preparedness and response planning, disaster and evacuation plans and procedures;
32.3.2 Safe sleep practices, including prevention of sudden infant death syndrome;
32.3.3 Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
32.3.4 Routine and emergency health care including health exclusions, prevention, and recognition of the symptoms of childhood illnesses, including reportable communicable diseases and immunizations;
32.3.5 Prevention of and response to emergencies due to food and allergic reactions;
32.3.6 Building and physical premises safety;
32.3.7 Handling and storage of hazardous materials and proper disposal of bio-contaminants;
32.3.8 Safety measures in transporting children, and
32.3.9 Administration of medication.
24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

33.0 Annual Training
33.1 A licensee shall ensure and provide documentation that the early childhood and school-age administrator and all staff members providing direct care to children, including owners and volunteers who count toward staff-to-child ratios, participate in annual training related to the person's position.
33.1.1 Training in administration of medication when needing renewal counts toward annual training.

33.1.2 Training in CPR and first aid counts toward annual training for initial certification, and when required to be renewed.

33.2 Staff members, including early childhood or school-age administrators working 25 or more hours per week, shall complete 18-clock-hours of training annually including at least two hours of health or safety training.

33.3 Staff members, including early childhood or school-age administrators working less than 25 hours per week, shall complete nine-clock-hours of training annually including at least one hour of health or safety training.

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

33.5 A licensee shall ensure training is associated with improving quality in early care and education and school-age care. Acceptable topics include child development; developmental curriculum planning or environment and curriculum; observation and assessment; positive behavior supports or social-emotional; health, safety, physical activity, and nutrition; family and community; professionalism; disability non-discrimination, accommodations, or modifications; and management and administration.

33.6 A licensee shall ensure training taken covers a minimum of three topics unless:

33.6.1 The staff member's professional development plan shows specific training is needed;

33.6.2 The staff member has completed a regionally accredited college or university course;

33.6.3 The staff member is working toward a credential issued by the Department; or

33.6.4 The training is six or more clock hours in length.

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

33.8 A licensee shall ensure staff members complete annual training at least 30 days before the expiration date of the center's license. Training taken during the month the license expires will be counted toward the following year's annual training requirements.

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34.0 Annual Professional Development Plan

34.1 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.

34.1.1 This plan must be kept in the staff member's file and include professional development goals for the upcoming year.

34.1.2 This plan must be signed by the person required to have training.

35.0 First Aid and CPR Training

35.1 Unless a staff member is currently certified, a licensee shall ensure all staff members, except for early childhood aides and school-age aides, complete certifications in first aid and in cardiopulmonary resuscitation (CPR) within two months of hire.

35.1.1 The certifications must be appropriate to the ages of the children in care.

35.1.2 CPR classes must include a “hands-on” skill demonstration.

35.1.3 Once staff members become qualified as an early childhood or school-age intern, they must complete CPR and first aid certifications within two months.

35.1.4 Certifications must be kept current.

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

36.0 Staff Attendance

A licensee shall keep a daily written or electronic record of each staff member's exact hours worked in each classroom or area, and be documented at the time of the arrival and departure of the staff member. A licensee shall keep these records for at least three months.

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37.0 Staff Communication

37.1 A licensee shall have and follow an organized system of documented communication among staff. This system must ensure when another staff member assumes responsibility for a child or children, the staff member is informed of significant information, problems, needs, or special circumstances involving a child or children.

37.2 A licensee shall ensure staff members are respectful by using non-threatening tones and actions when speaking and interacting with others at the center.

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25 DE Reg. 1115 (06/01/22)

38.0 Parents Right to Know

38.1 A licensee shall provide a parent or guardian with information about the person's right to review the center's licensing record as stated in 14 **Del.C.** §§3001A-3003B.

38.1.1 As a part of the enrollment inquiry process, a licensee shall require the parent or guardian to read and sign The Parents Right to Know Act form and keep the signed form on file.

38.1.2 A copy of the form must be given to the parent or guardian.

38.1.3 A licensee shall keep a log that documents the printed names of the child and parents or guardians and the date the Parents Right to Know Form was provided. This information shall be included for children who do not become enrolled, are currently enrolled, and are no longer enrolled.

38.1.3.1 This log shall be signed by the parent or guardian.

38.1.3.2 This log shall be provided to OCCL at each annual compliance review.

38.1.3.3 Once a log is provided to OCCL, a licensee is not required to keep that log on file at the center.

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39.0 Enrollment

39.1 A licensee shall ensure the number of children at the center does not exceed the licensed capacity.

39.2 A child may only attend the center when the information listed in Section 40.0 is obtained from the parent or guardian and placed in the child's on-site confidential file.

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

39.3.1 Determine if the center's program can meet the child's developmental and educational needs and determine if any accommodations or other planning is needed meet the child's individualized needs;

39.3.1.1 Inquire if the child has an IFSP or IEP; and

39.3.1.2 Discuss with a parent or guardian and service providers as applicable, any reasonable accommodations or modifications needed by a child with a disability to access the program or services.

39.3.2 Provide an opportunity for the parent or guardian and child to observe the center and program.

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40.0 Child Files

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

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

40.1.2 Parents' and guardians' names, places and hours of employment, and work phone numbers, if applicable;

40.1.3 Names and emergency phone numbers for at least two people approved to pick up the child (may include child’s parent or guardian);

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

40.1.5 Health appraisal and immunization record (or notarized religious or medical exemption from immunization) on file at the center within 30 days of enrollment;

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

40.1.7 If applicable, copies of court orders on custody and visitation arrangements provided by the parent or guardian;

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

40.1.9 If applicable, a statement of the child's medical, developmental, or educational special needs including, but not limited to: copies of an IEP, IFSP, and Section 504 plan and information on allergies, current illnesses or injuries, previous serious illnesses or injuries, and needed medications;

40.1.10 Written approvals from parent or guardian for: emergency medical treatment, release of child, and if applicable, special dietary needs, swimming, administration of medication, use of electronics, sleeping on a mat as described in subsection 56.3.2, and transporting the child;
40.1.11 If applicable, administration of medication records and accident and injury reports; and
40.1.12 *The Parents Right to Know Form* signed by the child's parent or guardian.
40.2 A licensee may not give out or allow the use of a child's or family's information without written permission from the parent or guardian to do so, unless required by employees of OCCL, the division, or other agencies with responsibility for issues relating to the health, safety, and well-being of children.

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41.0 Child Health Appraisal

41.1 A licensee shall ensure that within one month of starting care, each child's file has a health appraisal that includes an immunization record. A health care provider shall have conducted this health appraisal within the last 12 months. A licensee does not need a child's health appraisal if other federal or State laws, such as specified in the McKinney-Vento Homeless Assistance Act, require the center to admit a child without one. Health appraisals and immunization records must be updated every 13 months. A licensee shall keep the most recent health appraisal on file and it must include:
41.1.1 A health history;
41.1.2 Physical examination;
41.1.3 Growth and development;
41.1.4 Age-appropriate immunizations as described in Appendix IV;
41.1.5 Proof of blood lead screening for children at or around ages 12 months and 24 months;
41.1.6 Proof of blood lead screening after age 24 months for all children including school-age, if blood lead tests were not conducted at or around ages 12 months and 24 months;
41.1.7 Medical information for treatment in case of emergency; and
41.1.8 Recommendations regarding required medication, allergies, restrictions or modifications of the child's activities, diet, or care, if applicable.
41.2 A licensee is not required to update health appraisals for children in grades kindergarten or higher after receiving one completed after the child began kindergarten or a higher grade.
41.3 A licensee shall ensure a child whose parent or guardian objects to immunizations on a religious basis or whose health care provider certifies that the immunization may be harmful to the child's health will be exempt from the immunization requirement.
41.3.1 A notarized statement or documentation from a health care provider is required for this exemption.
41.3.2 A licensee shall place this documentation in the child's file.
41.4 A licensee shall ensure a child whose parent or guardian objects to blood lead screening due to a sincere religious belief will be exempt from this blood screening requirement.
41.4.1 A certificate signed by the parent or guardian stating that the screening is contrary to the parent's or guardian's religious beliefs is required for this exemption.

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42.0 Documenting Children's Progress

42.1 A licensee shall follow an organized system for documenting the annual progress of each child preschool-age and younger in relation to appropriate developmental and educational goals.
42.1.1 The information gathered to document a child's progress must be kept in the child's file and shared with the parent or guardian at an annual conference.
42.1.2 With the parent's or guardian's permission, information may also be shared with other professionals when referring the child for special services.
42.2 A licensee shall ensure that individual plans are developed for each infant and toddler in care within 45 days of the first day of attendance and are approved by the early childhood administrator.
42.2.1 A licensee shall ensure the plan includes both age and developmentally appropriate goals and describe specific activities and experiences to be provided by staff members in support of these goals.
42.2.2 Staff members must record these and note developmental milestones, accomplishments, and concerns.
42.2.3 Plans must be reviewed and updated at least three times a year.
42.2.4 This information must be shared with the child's parent or guardian.

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43.0 Children's Attendance

43.1 A licensee shall have and use a system for documenting children's attendance that includes the exact arrival and departure times in the child's classroom, and be entered at the time of the arrival and departure of the child.

43.1.1 This system must verify the location of individual children when a child does not remain with the child's assigned class.

43.1.2 If children's classrooms are combined inside the building, this combination must be documented on the attendance record.

43.1.3 A licensee shall keep these records for at least three months.

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44.0 Observation

44.1 A licensee shall ensure 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 62.0, and signs of child abuse or neglect.

44.1.1 Specific concerns and observations as well as the steps taken to assist the child must be documented and kept in the child's file.

44.1.2 A person who suspects child abuse or neglect shall make an immediate report to the Child Abuse Report Line.

44.2 At the request of a parent or guardian, a licensee shall permit qualified professionals to complete an observation or assessment of the child while at the center.

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PART V PHYSICAL ENVIRONMENT AND SAFETY

45.0 Hazardous Materials

45.1 A licensee shall ensure the center is free of unacceptable exposure to hazardous materials.

45.2 An applicant and licensee shall ensure the center is free of lead-based paint hazards. Buildings constructed in or after 1978 are exempt from lead-paint risk assessments and testing.

45.2.1 If the buildings were constructed before 1978, an applicant or licensee shall provide to OCCL a lead-paint risk assessment performed by an environmental testing firm certified by DPH showing the center to be free of lead-based paint hazards.

45.2.1.1 Before license renewal, unless previously submitted to OCCL, a licensee shall submit this risk assessment.

45.2.1.2 If lead paint is identified but intact (i.e. not chipping, flaking, or peeling), the licensee shall monitor the identified areas at least every six months and document that the lead-based paint is intact (in good repair and not deteriorated). Lead-based paint is not regarded as a hazard if it is intact, not present in an accessible surface, a friction surface, or an impact surface that could result in an adverse human health effect.

45.2.2 If lead-paint hazards are identified in the risk assessment, the applicant or licensee shall remedy the hazards by hiring a lead-safe contractor (lead abatement or renovation firm) certified by DPH to make the repairs.

45.2.2.1 Once the repairs are made, a lead-dust clearance inspection must be performed by an environmental testing firm certified by DPH to confirm the center is free of lead-based paint hazards.

45.2.2.2 The applicant or licensee shall provide the lead-dust clearance testing results to OCCL within 5 business days to confirm the center is free of lead-based paint hazards.

45.2.2.3 Children may not be present during repairs and the center must stay closed until the results of the lead dust clearance test are at appropriate levels, and the lead-safe contractor states it is safe for the center to be open.

45.2.3 If any lead-based paint identified in a risk assessment n a pre-1978 child-occupied facility becomes deteriorated or if lead-based paint is located in an area to be remodeled, a licensee shall retain a contractor certified by DPH to work using lead-safe work practices (lead abatement or lead renovator) to perform any renovation or repair.

45.2.3.1 Records of this renovation or repair work must be forwarded to OCCL within 5 business days.

45.2.3.2 Children may not be present during repairs or renovation until a lead dust clearance test is obtained and the lead-safe contractor states it is safe for the center to be open.

45.3 A licensee shall ensure radon testing is performed in each room used for child care once every 5 years between the months of October and March and within 6 months after any remodeling, renovations, or construction.
45.3.1 This testing may be performed by the property owner or an inspector certified by the American Association of Radon Scientists, the National Radon Safety Board, or any organization recognized by the EPA or State of Delaware Radon Program.
45.3.2 If testing indicates a radon level over 4.0 pCi/L, a licensee shall ensure acceptable radon mitigation occurs or a long-term radon test (90-120 days) indicates a level less than 4.0 pCi/L.
45.3.3 A licensee shall ensure copies of radon testing results are sent to OCCL within 5 business days of receiving the results.
45.4 A licensee shall ensure containers of poisonous, toxic, or hazardous materials are:
45.4.1 Labeled with the contents;
45.4.2 Used only in the manner and under the conditions that will not contaminate food or constitute a hazard to children or to staff; and
45.4.3 Stored in a locked storage space accessible only to staff.
45.5 Materials required for routine cleaning and maintenance must be stored out of children's reach and used in a safe manner.
45.6 The storage of flammable liquids and gases is not be permitted except as allowed by the Office of the Fire Marshal.
45.7 A licensee shall ensure the center is free from illegal drugs.
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25 DE Reg. 1115 (06/01/22)

46.0 Air Quality and Windows
46.1 A licensee shall ensure a center is ventilated to ensure the air quality provides a healthy environment for children and adults. Painting and remodeling projects may not affect the air quality during hours of operation.
46.2 A licensee shall ensure screening, on windows, doors, or openings to the outside used for ventilation, is in good repair.
46.3 If a ventilation system is not provided, a center must have window area equal, at a minimum, to 4.5% of the floor area of the center. Half of this window area must be operable.
46.4 A center located in a building that previously contained or currently contains a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality, will not be licensed or have a license renewed, unless the applicant or licensee obtains indoor air sampling as required per 7 **DE Admin. Code** 1375 that shows there is no impact to the center.
25 DE Reg. 1115 (06/01/22)

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

48.0 Heating and Cooling
48.1 A licensee shall ensure heating and cooling equipment, hot water pipes, or radiators are safely shielded or insulated to prevent the injury of children.
48.2 Heating, cooling, and plumbing equipment must be properly installed, cleaned, and maintained to operate safely.
48.3 Floor or window fans and cords must be inaccessible to children and have a safety certification mark from a nationally recognized testing laboratory such as Underwriters Laboratories or Electro-Technical Laboratory.
48.4 Portable space heaters are prohibited.
48.5 A licensee shall ensure that temperatures in rooms used by children are kept at a minimum temperature of 68° F and a maximum of 82° F measured 3 feet above floor level unless there is conflict with federal and State energy laws.
48.5.1 A licensee shall use air conditioning during hot weather to keep rooms used by children within the required temperature range.
48.5.2 Except as stated below, a licensee shall be required to inform OCCL and close temporarily if the minimum or maximum room temperature cannot be maintained.
48.5.3 OCCL allows an exception if a room temperature drops within the range of 60° F- 67° F or rises within the range of 83° F- 90° F, and a licensee can return the proper temperature within the next 4 hours.

48.5.3.1 If the room temperature cannot be restored within 4 hours or the temperature is below 60°F or above 90°F, the center must close unless children are moved to another approved area of the center that has the proper temperature.

48.5.3.2 When the center closes because the proper temperature cannot be maintained, the center must remain closed until the heating or cooling problem is resolved and the correct temperature is maintained.

48.5.4.3 A licensee shall ensure OCCL is informed when closing is necessary.

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49.0 Indoor Space

49.1 A licensee shall show evidence of security procedures that ensures access to children is limited to authorized people. A licensee shall ensure visitors who are not touring the center, attending a special event, visiting children, or not providing a service to the center that requires access to children, remain outside of areas where children are located.

49.2 A licensee shall ensure the center is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local and municipal regulatory bodies. A licensee shall have written certification of compliance from the appropriate regulatory bodies governing zoning, building construction, safety, sanitation, and fire safety including Department of Natural Resources and Environmental Control for air quality and radon testing and Department of Health and Social Services Office of Drinking Water for well water.

49.3 A licensee shall keep all areas, furnishings, and equipment of the center in a clean, hazard-free, and safe condition. Floors, walls, counter surfaces, toilets, and surfaces or finishes must be cleanable and in good repair.

49.4 A licensee shall ensure a center has enough lighting to allow for the supervision of children in areas where children's activities occur.

49.5 A licensee shall ensure interior space designated for children's use is available to children when the center is in operation.

49.5.1 This space must be arranged to allow each child adequate space for free movement and active play.

49.5.2 A center must have at least 35 square feet of usable floor space for each child in each area or room used by children.

49.5.2.1 Measurements are from wall to wall excluding areas that are not used by children.

49.5.2.2 Toilet rooms, kitchen areas, isolation areas for ill children, offices, storage spaces, hallways, furnace rooms, gymnasiums, and other areas not used as classroom space will not be counted in determining a center's capacity.

49.6 A licensee shall provide children with individual storage space so personal belongings, clothing, or bedding does not touch another child's belongings. This storage space must be labeled with the child's name.

49.7 A licensee shall ensure all unused electrical outlets accessible to children including unused power strips are covered. Child-resistant ground-fault circuit-interrupter "GFCI" type is exempt from being covered.

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

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

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

49.11 A licensee shall ensure the following:

49.11.1 The water temperature does not exceed 120° F from faucets and other sources accessible to children;

49.11.2 All sinks supply hot and cold water under pressure at all times; and

49.11.3 All plumbing complies with State and local plumbing codes.

49.11.4 Portable sinks are prohibited.

49.12 A licensee shall ensure garbage and trash are stored securely in non-combustible, covered containers.

49.12.1 Recyclable paper may be in uncovered containers.

49.12.2 Indoor containers must be emptied at least daily to an outdoor receptacle and kept clean.

49.12.3 Outdoor trash/garbage containers must be inaccessible to children, emptied at least weekly, and, with the exception of dumpsters, cleaned as needed.

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

49.14 A licensee shall prohibit the burning of candles or incense and use of air fresheners.

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50.0 Kitchen and Food Preparation

50.1 A licensee shall obtain a Food Establishment Permit only when the center provides food to members of the general public. DPH will assist in reviewing food transportation operations between locations owned by the same licensee.

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

50.3 A licensee shall ensure 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. Dishes and utensils must be air-dried.

50.3.1 A center that does not prepare food on-site is exempt from subsections 50.3 through 50.6.

50.3.1.1 There may be no food preparation in the facility, except for heating in the microwave foods brought from children's homes.

50.3.1.2 When food preparation is not permitted, a licensee shall ensure utensils and dishware are single-service and discarded after each use.

50.4 The kitchen requirements for centers that prepare and serve meals and snacks are, but not limited to:

50.4.1 Refrigerator;
50.4.2 Three-compartment sink; or
50.4.3 Two-compartment sink and sanitizing basin; or
50.4.4 Two-compartment sink and dishwasher; and
50.4.5 Separate hand-washing sink;
50.4.6 Range or cooktop;
50.4.7 Oven or microwave; and
50.4.8 Food storage areas.

50.5 The kitchen requirements for centers that prepare and serve only snacks are:

50.5.1 Refrigerator;
50.5.2 Three-compartment sink; or
50.5.3 Two-compartment sink and sanitizing basin; or
50.5.4 Two-compartment sink and dishwasher; and
50.5.5 Separate hand-washing sink

50.6 A licensee shall ensure a kitchen or food preparation area has floors, walls, and counter surfaces that are easily cleanable and non-porous.

50.7 A licensee shall ensure a center has a refrigerator to keep perishable food, including lunches prepared at home, cold at 41° F or colder, and food stored in a freezer frozen at 0° F or colder.

50.7.1 A working thermometer must be in refrigerators and freezers.
50.7.2 Unused freezer compartments in mini-refrigerators do not need a thermometer.

50.8 A licensee shall ensure food provided and prepared by the center complies with the center's written policy on nutritional quality.

50.9 A licensee shall ensure the food is clean, wholesome, free from spoilage and contamination, and safe to eat.

50.9.1 Prepared food items must be correctly labeled with the contents and date of preparation.
50.9.2 Prepared food that is served to a child and not eaten must be thrown away and not given to another child.

50.10 Food storage areas and appliances must be cleanable and free of food particles, dust, and debris.

50.10.1 All food items must be stored off the floor.
50.10.2 Food must be stored separately from cleaning materials.
50.10.3 Food must be stored in closed or sealed containers that are labeled with the contents and expiration date.

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

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51.0 Toilet Facilities

51.1 A licensee shall ensure a center has enclosed toilet rooms on each floor where child care has been approved. Each toilet room must have at least 1 sink with warm running water and one operable window or ventilation fan. All door locks, if present, must be designed to permit staff members to open the locked door readily.

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

51.2.1 Children ages 24 months through preschool must have at least one toilet for every 10 children.
51.2.2 School-age children must have at least 1 toilet for every 25 children.

51.2.3 Urinals may be counted as half of a toilet 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 2 flush toilets are available and accessible to both males and females.

51.2.4 Staff members will be counted in the school-age ratio when determining the number of toilets if the center does not provide separate toilet facilities for staff.

51.3 A licensee shall ensure a center serving only children less than 24 months old has at least 1 toilet and sink when fewer than 20 children are served and at least 2 toilets and sinks when more than 20 children are served.

51.4 For a center licensed before January 1, 2007, the existing number of toilets and sinks is acceptable. If the capacity of this center increases, the licensee shall ensure the toilets and sinks comply with these regulations.

51.5 A licensee shall ensure potty chairs are not substituted for toilets. If using potty chairs for toilet training, a licensee shall ensure they are placed in the toilet room. Potty chairs must be made of a non-porous material. They must be cleaned with soap and water and sanitized after each use.

51.6 A licensee shall ensure liquid soap, toilet paper, and paper towels or a mechanical hand dryer are available at all times in the toilet rooms.

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

52.0 Area for Children Who Become Ill

52.1 A licensee shall ensure a center has a separate area, not located in the kitchen or toilet area, where children who are showing signs of ill health as stated in Section 62.0, are cared for until they can be removed from the center or are determined to pose no risk to themselves or others.

52.2 The separate area must have rest equipment and clean bedding.

52.3 A licensee shall ensure the child's individual needs for rest, comfort, food, drink, and activity are met until the child can be picked up by a parent or 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.

52.4 A licensee shall ensure all items used by an ill child, including rest equipment, bedding, utensils, and toys are cleaned with soap and water and then disinfected before being used by another child.

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53.0 Outdoor Area

53.1 A licensee shall ensure the following:

53.1.1 Structures, fences, equipment, and the grounds are maintained in a clean and safe condition;

53.1.2 Outdoor areas that are used while it is dark have appropriate lighting;

53.1.3 Grounds drain naturally or through installed drainage systems so there is no standing water on the premises. Standing water after a storm must drain within 48 hours; and

53.1.4 All areas 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.

53.2 A licensee shall ensure that raised areas on the premises, other than stairways, over 2 feet, such as porches, elevated walkways, and elevated play areas, have walls or barriers to prevent falls over the open side. The walls or barriers must be at least 36 inches tall.

53.3 A licensee shall ensure stairways, over four steps indoors and outdoors, have handrails at a maximum height of 38 inches that are safe for children and adults.

53.4 A licensee shall ensure children 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.

53.4.1 A licensee shall ensure this play area has space suitable for moderate to vigorous physical activities, including running.

53.4.2 A licensee shall ensure this play area is large enough to accommodate at least 1/4 of the center's licensed capacity at one time.

53.4.3 Maximum group size is not required in the outdoor play area or approved indoor play area as long as the required square footage is maintained for each child.

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

53.6 A licensee shall ensure a center licensed before January 1, 2007, has 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.

53.6.1 A licensee shall ensure this play area is large enough to accommodate at least 1/4 of the center's licensed capacity at one time.

53.6.2 If the capacity of a center licensed before January 1, 2007, increases, the licensee shall ensure the outdoor play area complies with these regulations.

53.7 A licensee shall ensure the outdoor play area is on-site, next to, or within a close safe walking distance of the center.

53.7.1 This play area must have a shaded rest area for children.

53.7.2 Staff members shall inspect outdoor areas before children begin to play to ensure there are no hazards present and play equipment is safe for use.

53.7.3 Outdoor sandboxes or play areas containing sand must be kept in a safe and clean manner including being covered when not in use.

53.7.4 Use of trampolines at the center is prohibited.

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

53.8.1 A licensee shall ensure fencing is sturdy, safe, and reinforced at intervals to give support, constructed to discourage climbing, and allows for viewing the children by staff.

53.8.2 A licensee shall ensure fencing is a minimum of 4 feet in height with openings no larger than 3½ inches.

53.8.3 A licensee shall ensure fenced areas have at least 2 exits, with at least one being remote from the building. If a fenced play area contains another fenced play area (to separate age groups), only 1 exit is required in the second play area if it is remote from the building.

53.8.4 A licensee shall ensure gates have self-closing and positive self-latching closure mechanisms. A licensee shall ensure the latch or securing device is high enough or made so small children cannot open it. When opened, a licensee shall ensure the gate moves freely and is not hindered by scraping the ground. A licensee shall ensure fences gates are not locked during the center’s hours of operation.

53.9 For a center licensed before January 1, 2007, 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 licensee shall ensure the new fencing fully complies with these regulations.

53.10 A licensee shall ensure 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.

53.10.1 A licensee shall ensure the fall zone depth and materials follow the instructions as listed in the most recent publication of the Consumer Product Safety Commission's (CPSC’s) Handbook for Public Playground Safety regarding critical heights of tested materials located on CPSC’s website.

53.10.2 A licensee shall ensure all materials used for protective surfaces are of a size and material that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing.

53.10.3 A licensee shall ensure protective surfaces of the fall zone extend at least 6 feet in all directions from the equipment. For swings, a licensee shall ensure the protective surfacing extends, in back and front, twice the height of the suspending bar unless otherwise directed by the CPSC or other recognized authority on playground safety.

Inches	Type of Material	Protects to Fall Height
6	Shredded or recycled rubber	10 feet
9	Sand	4 feet
9	Pea gravel	5 feet
9	Wood mulch	7 feet
9	Wood chips	10 feet
Poured-in-place surfacing or rubber mats designed for outdoor use, if used, must be in the required fall zone and at a sufficient depth or thickness as required by manufacturer’s specifications or other approved entity.		

53.11 A licensee shall ensure outdoor play equipment is securely anchored unless portable by design.

53.11.1 A licensee shall ensure this play equipment is in good repair and placed with regard for safe use.

53.11.2 A licensee shall ensure this play equipment includes equipment for vigorous play and large muscle activity and meets the diverse needs and abilities of children served.

53.12 When a licensee cannot meet the outdoor space requirement, the licensee shall provide a minimum of 700 square feet of open, accessible indoor play space for large muscle activity. There must be at least 75 square feet for each child who will use this area at one time. Indoor play spaces that were approved by OCCL before the effective date of these regulations will remain compliant unless the center's capacity increases.

53.12.1 This indoor play space must be on-site and is in addition to the 35 square feet per child requirement.

53.12.2 There must be a protective surface of an approved resilient material, such as rubber mats, to absorb falls beneath and in the fall zones of climbing equipment, slides, swings, and similar equipment. This material must be at a sufficient depth or thickness as required by the manufacturer's specifications or other approved entity.

53.12.3 The licensee shall have and follow a written plan approved by OCCL, which specifies how large muscle activity will be provided.

53.13 For a center licensed before January 1, 2007, the indoor play space listed in subsection 53.12 may be at a nearby facility that was previously approved by OCCL. If the capacity of the center increases allowing room for an indoor play space, the center must comply with subsection 53.12.

53.14 A licensee shall ensure a rooftop or elevated play space above the first floor is protected by a non-climbable, secure, and hazard-free barrier that is at least 7 feet in height.

53.15 Portable sinks are prohibited in the outdoor area.

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54.0 Pools and Swimming

54.1 A licensee shall ensure an individual with current water safety instructor training or senior lifesaving training from the American Red Cross or its equivalent is on duty when children are swimming.

54.1.1 Portable wading pools are prohibited.

54.1.2 Permanent or built-in swimming and wading pools that are left filled when not in use must be inaccessible to children.

55.0 Riding Toys

55.1 A licensee shall ensure bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child.

55.2 A licensee shall ensure riding toys are in good condition, free of sharp edges or protrusions that may injure a child, and not motorized.

55.3 Children over one year of age shall wear approved safety helmets while riding toys with wheels of 20 or more inches in diameter.

55.3.1 Riding bicycles and using wheeled equipment (roller blades, skateboards, scooters, etc.) require children to wear helmets.

55.3.2 A licensee shall ensure helmets are not shared unless cleaned between users by wiping the lining with a damp cloth.

55.3.3 A licensee shall ensure helmets are removed as soon as children stop riding helmet-required equipment.

56.0 Sleeping Accommodations and Safe Sleep Environments

56.1 A licensee shall ensure the program includes times for rest or sleep appropriate to each child's individual physical needs.

56.1.1 A quiet activity must be provided for children who have rested or slept for 30 minutes and do not seem to need or want more rest.

56.1.2 Preschool children are not required to rest or sleep.

56.1.3 Full staff-to-child ratios must be maintained during quiet play when children do not nap/sleep.

56.2 Rest or sleep equipment must meet the safety standards required by CPSC or other recognized authority approved by OCCL and kept in a safe condition.

56.3 A licensee shall ensure each child, except children who do not sleep at the center, has clean, safe, age-appropriate rest equipment. This may be a crib, playpen, pack-and-play (without ripped mesh), cot, bed, or mat.

56.3.1 Each child under 18 months old who does not walk must sleep in a crib, playpen, or pack-and-play.

56.3.2 Each child between 12 and 18 months old who walks may sleep on a cot, bed, or mat with written permission from the child's parent or guardian.

56.3.3 Preschool-age and school-age children who do not nap at the center do not need sleep equipment.

56.4 A licensee shall ensure a child's rest equipment is labeled with the child's name or assigned chart number and used only by that child while attending the program.

56.4.1 A licensee shall ensure chart numbers and assignments are documented and kept current.

56.4.2 Children must use their assigned equipment while enrolled in the center.

56.4.3 A licensee may assign a crib or pack-and-play to 2 children who attend on different days if it is cleaned and sanitized each day.

56.5 Mattresses and sleep equipment must be non-absorbent and cleanable.

56.5.1 Cots, mats, and crib mattresses must be cleaned with soap and water and then sanitized weekly and when soiled or wet.

56.5.2 Mats must be stored so there is no contact with the sleep surface of another mat or cleaned and disinfected after each use.
56.5.3 Sleep equipment and bedding must be cleaned and sanitized before being assigned to another child.
56.6 Children over age one must be provided with top and bottom covers.
56.6.1 Sheets and blankets or other bedding must be cleaned at least weekly and when soiled or wet.
56.6.2 Bedding must be stored so there is no contact with another child's bedding.
56.7 A licensee shall ensure sleep equipment is placed at least 1½ feet apart while in use.
56.8 The rest area must provide enough light to allow the children to be seen.
56.9 Safe Sleep Practices for Infants:
56.9.1 A licensee shall ensure cribs meet the current standards of CPSC or other safety authority recognized by OCCL.
56.9.2 Infants must sleep only in cribs, pack-and-plays, or playpens.
56.9.2.1 The use of soft surfaces, such as soft mattresses, pillows, sofas, and waterbeds, are prohibited as infant sleep surfaces.
56.9.2.2 A licensee shall ensure infants who fall asleep in car seats, swings, seats, or other equipment are immediately moved to cribs, pack-and-plays, or playpens.
56.9.3 Cribs may not be stacked while in use.
56.9.4 Cribs may not have gaps larger than 2 3/8 inches between the slats.
56.9.5 Cribs, pack-and-plays, and playpens must have top rails at least 20 inches above the mattresses.
56.9.5.1 The mattress must be set at its lowest position.
56.9.5.2 Latches on cribs, pack-and-plays, or playpens must be safe, secured, and hazard-free.
56.9.6 Crib mattresses must be firm and tight fitting to the frame with a tight-fitting bottom sheet only.
56.9.7 Pillows, bibs, blankets, bumper pads, cloth diapers other than those worn by an infant, comforters, top sheets, quilts, sheepskin, sleep positioning devices (except as described in subsection 56.9.9.1), stuffed toys, and other items, are prohibited in a crib, pack-and-play, and playpen.
56.9.7.1 Infants may use pacifiers in a crib.
56.9.7.2 Toys or objects attached to cribs, pack-and-plays, or playpens are prohibited.
56.9.8 Swaddling of infants requires written parent or guardian permission. Blankets are prohibited for swaddling when laying an infant down to sleep. However, swaddle-blanket sleepers may be used.
56.9.9 Infants must be placed on their backs when laid down to sleep as recommended by the American Academy of Pediatrics.
56.9.9.1 OCCL allows an exception if the infant's health care provider documents that a physical or medical condition requires a different sleeping position or use of a sleep-positioning device.
56.9.9.2 The health care provider must document the new sleeping position or the device and how to use it.

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57.0 Equipment

57.1 A licensee shall provide developmentally-appropriate equipment and materials for a variety of indoor and outdoor activities. There must be enough equipment and materials for all children to use. Materials and equipment must help provide many experiences and choices that support all children's social-emotional, language and literacy, intellectual, and physical development.
57.2 A licensee shall ensure that for children less than 24 months old, developmentally-appropriate supplies or equipment are provided in quantities as described in subsection 57.1 in each of the following categories:
57.2.1 Sensory, such as teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other similar items;
57.2.2 Language and dramatic play, such as picture books, toy telephones, CDs, hand puppets, washable stuffed animals and dolls, photographs, or other similar items;
57.2.3 Manipulative, such as squeeze and grip toys, boxes, sorting and stacking toys, 3 or 4 piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other similar items;
57.2.4 Building, such as soft lightweight blocks, toy cars, trains or boats, figures of animals and people, stacking rings or cups, nesting toys, or other similar items;
57.2.5 Large muscle, such as low climbers, slides, riding or rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other similar items; and
57.2.6 Music, such as rhythm instruments, a CD player and CDs, toys with musical tones, musical mobiles or busy boxes, drums, xylophones or pianos, or other similar items.
57.3 A licensee shall ensure developmentally-appropriate supplies or equipment are provided in quantities as described in subsection 57.1 for children over 24 months to school-age in each of the following categories:

57.3.1 Language and literacy, 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 similar items;
57.3.2 Science and math, 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 similar items;
57.3.3 Manipulative, such as puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other similar items;
57.3.4 Large muscle 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 similar items;
57.3.5 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 similar items;
57.3.6 Art, 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 similar items;
57.3.7 Music, such as a CD player and CDs, piano or organ, guitar, rhythm sticks, drums, cymbals and bells, or other similar items; and
57.3.8 Dramatic play, 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 similar items.
57.4 A licensee shall ensure furniture is durable and child-sized or adapted to children's use. Tables must be at waist height of the intended child-user and the child's feet must reach a firm surface while the child is seated.
57.5 A licensee shall ensure equipment and materials are selected or adapted to allow all children, including a child with disabilities or other special needs, to benefit from the program.
57.6 A licensee shall ensure equipment and supplies are relevant to the cultural background and community of all children and raise awareness of other cultures and communities.
57.7 A licensee shall prohibit toys that explode or shoot objects.
57.8 A licensee shall ensure toys and equipment used by the children are sturdy, safely assembled, hazard-free, and not recalled. Toys and equipment may not cause children to become trapped or have rough edges, sharp corners, pinch and crush points, splinters, or exposed bolts. Equipment in poor condition must be repaired, removed. or made inaccessible to children.
57.9 A licensee shall take the following measures to prevent hazards to children in care:
57.9.1 To prevent cuts, abrasions, and punctures, equipment, materials, and other objects on the premises that have sharp edges, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children. Sharp edges on natural wooden equipment must be sanded;
57.9.2 To prevent burns, equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children;
57.9.3 To prevent sheering, crushing, or pinching, broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children;
57.9.4 To prevent entrapment, freezers, refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children unless being actively supervised;
57.9.5 To prevent tripping, uneven indoor and outdoor walkways, damaged flooring or carpeting, or other tripping hazards must be removed or repaired;
57.9.6 To prevent injuries and death, large objects that pose a risk of falling or tipping must be securely anchored. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and
57.9.7 To prevent injuries, equipment in poor condition (rusty parts, flaking paint, or other dangers) must be repaired, removed, or made inaccessible to children.

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58.0 Sanitation

58.1 A licensee shall ensure that areas and equipment listed in subsection 58.2 are washed with soap and water, and then disinfected as required.
58.1.1 For sanitizing and disinfecting, a licensee shall ensure one of the following is used: an EPA-registered product, a commercially prepared product, or a bleach and water solution.
58.1.2 A licensee shall follow the manufacturer's instructions for use.
58.1.3 These products must be labeled with the contents.

58.1.4 Their instructions for use must be available at all times.

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

After Each Use	At Least Daily
Potty chairs that have first been emptied into a toilet	Toilet and toilet seats
Sinks and faucets used for hand washing after the sink has been used for rinsing a potty chair	Sinks and faucets
Diapering surfaces, as required in subsection 61.6.6	Diaper pails and lids
Food preparation and eating surfaces such as counters, tables, and high chair trays	Drinking fountains
Toys mouthed by children	Water table and water play equipment
Mops used for cleaning must be rinsed, disinfected, wrung dry, and hung to dry	Play tables
Plastic bibs (cloth bibs may be used only once before laundering)	Rest mats that are not stored separately as listed in these regulations
Thermometers (that make contact with skin or mouth)	Cleanable, non-absorbent activity mats such as those used for infant tummy time
	Smooth surfaced non-porous floors

58.3 At least weekly, a licensee shall ensure non-porous toys and play equipment are washed with a soap and water solution and then disinfected.

58.4 At least weekly, a licensee shall ensure stuffed animals are laundered.

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59.0 Hand Washing

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

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

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60.0 Standard Precautions

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

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

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

60.1.3 Bloody disposable diapers and material must be put in a plastic bag, tied securely, and thrown away. Bloody clothing and reusable diapers must be placed in a plastic bag, tied securely, and returned to the child's parent or guardian at pick up.
60.1.4 Mops must be cleaned, rinsed, disinfected, wrung, and hung to dry.
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61.0 Diapering and Soiled Clothing
61.1 A licensee shall have and follow a procedure for checking diapers for wetness and feces at least hourly and whenever the child acts as though the diaper is wet or soiled.
61.1.1 Diapers and other clothing must be changed when they are found to be wet or soiled.
61.1.2 Diaper changes must be documented for infants.
61.2 The licensee shall keep a supply of clean diapers and extra clothing available for children even if a parent or guardian does not provide them when required.
61.3 A licensee shall ensure soiled or wet clothing and reusable diapers are not emptied or rinsed.
61.3.1 Each must be placed in a sealed plastic bag with clothing separated from reusable diapers.
61.3.2 The bag must be labeled with the child's name and sent home with the child at the end of the day.
61.4 A licensee shall ensure a center has a diaper-changing area with a clean, washable, and non-porous surface. This area may not be located in the kitchen.
61.4.1 Disposable covers must be used for each diaper change.
61.4.2 There must be a hand-washing sink with running warm water within five feet of the changing area. This sink must be cleaned with soap and water and disinfected before using for food preparation.
61.5 A licensee shall ensure used disposable diapers are placed in a foot-activated trashcan that is used only for diapers.
61.5.1 This trashcan must be within arm's reach of the changing area, lined with a plastic bag, and sanitized daily.
61.5.2 Diapers must be removed from the center daily or more frequently to prevent odors and placed in a closed trashcan outside the building.
61.6 A licensee shall have and follow a procedure for changing diapers that includes the following:
61.6.1 Posting the diaper-changing procedure in the diaper-changing area;
61.6.2 Using a diaper-changing area and disposable covers when changing diapers;
61.6.3 Disposing of diapers as stated in these regulations;
61.6.4 Washing each child during each diaper change with a clean wipe or single-use washcloth;
61.6.5 Hand washing for the staff who changed the diaper and for the child with soap and water immediately after each diaper change; and
61.6.6 Cleaning with soap and water and then disinfecting the diaper-changing area after each use.
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62.0 Child Health Exclusions
62.1 A licensee may not permit a child who has symptoms of illness listed below to be admitted or remain at the center. The child may only return when the symptoms are gone or with documentation from a health care provider, stating the child has been diagnosed and the illness or symptoms pose no serious health risk to the child or to other children. The symptoms for exclusion must include, but not be limited to, the following:
62.1.1 Temperature: infants four months old and younger: equivalent to 100° F or greater even if there has not been a change in behavior;
62.1.2 Temperature: children older than four months: equivalent to 101° F or greater, accompanied by behavior changes or other symptoms of illness;
62.1.3 Symptoms of possible severe illness, such as unusual tiredness, uncontrolled coughing, inexplicable irritability, persistent crying, difficulty breathing, wheezing, or other unusual signs;
62.1.4 Diarrhea; two or more times of loose stool during the past 24 hours; if diarrhea is accompanied by fever, exclude for 48 hours after the symptoms end;
62.1.5 Blood in stools not due to change in diet, medication, or hard stools;
62.1.6 Vomiting; two or more times during the past 24 hours, or one time if accompanied by a fever, exclude for 48 hours after the symptoms end;
62.1.7 Ongoing stomach pain (more than 2 hours) or off-and-on pain with a fever or other symptoms;
62.1.8 Mouth sores with drooling;
62.1.9 Rash with fever or behavior change;
62.1.10 Purulent conjunctivitis or "pink eye" (defined as pink or red conjunctiva with white or yellow eye discharge), exclude for 24 hours after starting antibiotic treatment;
62.1.11 Scabies, until 24 hours after starting treatment;

62.1.12 Pediculosis "head lice" or nits, until 24 hours after starting treatment;
62.1.13 Tuberculosis, as directed by DPH;
62.1.14 Impetigo, until 24 hours after starting antibiotic treatment and lesions are dry;
62.1.15 Strep throat or Streptococcal infection or other, until 24 hours after starting antibiotic treatment and fever ends;
62.1.16 Varicella-Zoster "chicken pox," until all lesions have dried and crusted (usually 6 days);
62.1.17 Shingles, only if lesions cannot be covered by clothing or a bandage; if not, exclude until lesions have crusted and are dry;
62.1.18 Pertussis, until completing 5 days of antibiotic treatment;
62.1.19 Mumps, until 5days after onset of glandular swelling;
62.1.20 Hepatitis A virus, until 1 week after onset of illness, jaundice, or as directed by DPH;
62.1.21 Measles, until 4 days after appearance of rash;
62.1.22 Rubella, until 7 days after appearance of rash;
62.1.23 Herpetic gingivostomatitis "cold sores," if the child is too young to have control of saliva; or
62.1.24 Unspecified short-term illness, not chronic illness, if the child is unable to participate in activities or if the center cannot provide care for this child and the other children.

62.2 Temperatures for children under three years old must be taken using a non-glass thermometer under the arm or by a forehead scan. Oral temperatures may be taken on children ages 3 and older when a digital thermometer is used. Rectal and ear temperatures may be taken only by a licensed health care professional.

62.3 A licensee shall ensure that if a child shows signs of ill health, as listed above, the licensee will remove the child from the group of well children to a separate area as described in Section 52.0.

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

62.5 A licensee shall ensure the parent or guardian is notified when their child has been exposed to a contagious disease or condition.

62.6 A licensee shall report a reportable communicable disease to DPH. For information on these diseases, the licensee shall contact DPH or refer to their website (currently listed as https://dhss.delaware.gov/dph/dpc/rptdisease.html.)

62.7 A licensee may not permit a child with a reportable communicable disease to be admitted to or remain at the center, unless the child's health care provider documents the child has been evaluated and the disease poses no health risk to the child or to others or DPH has advised that the child is not a health risk to others. If the health care provider states the child may return and DPH says the child cannot return, the licensee shall follow DPH's instructions.

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

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63.0 Administration of Medication

63.1 A licensee shall ensure a trained staff member, who has received a valid administration of medication certificate from OCCL, is present at all times to provide both scheduled and emergency medications to children in care. A certified staff member shall be present during field trips and routine program outings to administer medication when needed. The administration of medication certificate must be on file at the center for each certified staff member.

63.1.1 OCCL only allows staff members who are at least 18 years old to be certified to give medication to children. This certification includes passing OCCL's designated test on the information in the Administration of Medication Self-Study Training Guide as described in Appendix V. Health care providers, nurses, or other qualified medical health personnel are permitted to administer medication to children in a center.
63.1.2 Written permission from the child's parent or guardian for each medication to be administered is required.
63.1.3 Unused medication must be returned to the parent or guardian when no longer needed by the child.
63.1.4 A licensee has discretion to designate which staff members shall administer medication.

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

63.2.1 The name and birth date of the child;
63.2.2 Medication allergies;
63.2.3 Doctor's name and phone number;

63.2.4 Pharmacy name and phone number;
63.2.5 Name of medication;
63.2.6 Dosage (amount given);
63.2.7 Time or frequency (when given);
63.2.8 Route of administration (oral, eye, nose, mouth, topical, inhalation);
63.2.9 Medication expiration date;
63.2.10 End date (when to stop giving);
63.2.11 Reason for medication; and
63.2.12 Special directions.

63.3 A licensee shall ensure all prescription medication is given as prescribed. Prescription medication must be:
63.3.1 Stored securely and out of children's reach;
63.3.2 Refrigerated, if applicable, in a closed container separate from food;
63.3.3 In its original container and properly labeled with directions for its administration;
63.3.4 Current and not expired;
63.3.5 Given only to the child who has been prescribed the medication, verified by the child's name on the container; and
63.3.6 Given to the child according to the dosage and administration instructions on the medication container. If no dosage or administration information is listed on the container, such information must be provided in writing by the child's health care provider.

63.4 A licensee shall ensure the following requirements are followed when non-prescribed medication is given. Non-prescription medication must be:
63.4.1 Stored securely and out of children's reach;
63.4.2 Refrigerated, if applicable, in a closed container separate from food;
63.4.3 Stored in its original container and properly labeled with directions for its administration;
63.4.4 Current and not expired;
63.4.5 Labeled with the child's name; and
63.4.6 Given as written on the container's instructions or as otherwise instructed in writing by the child's health care provider.

63.5 A licensee shall keep a written record of medication administered to children recorded on the Medication Administration Record "MAR" including each medication dosage, time administered, by whom administered, adverse effects observed, and medication errors.
63.5.1 Medication errors include giving the wrong medication, giving the wrong dose, failing to give the medication at the correct time or at all, giving medication to the wrong child, giving the medication by the wrong route, or giving medication without documenting the administration.
63.5.2 Adverse effects or errors in administering must be immediately reported to the parent or guardian.
63.5.3 When known, a licensee shall notify OCCL when unwanted effects or errors in administering medication result in death or medical treatment as described in subsection 14.4.
63.5.4 Documentation of administration of medication must 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.

63.6 A licensee may administer medication to a child who has a medical need during child care hours that requires the administration of medication by a non-intravenous injection. In addition to the requirements in subsection 63.2, the parent or guardian shall provide the licensee with the following information, when medication is administered by non-intravenous injection:
63.6.1 Written parent or guardian permission for the center to provide the requested medical care; and
63.6.2 A written statement from the child's health care provider stating:
63.6.2.1 The specific medication by injection needed by the child;
63.6.2.2 That for the child's health, the requested medication by injection must be administered during the hours the child attends the center;
63.6.2.3 That the requested medication by injection may be appropriately administered at the center by non-medical child care staff; and
63.6.2.4 Whether any additional training is necessary for non-medical staff members to administer the medication or medical care appropriately. If additional training is required, the health care provider shall provide instructions including information about: the type of training, who may provide such training (which may include the child's parent or guardian), and any other instructions needed to provide the requested medication by injection.
63.6.2.4.1 If additional training is required, the licensee shall identify staff members who are certified to administer medication and have them complete the additional training specified by the child's

health care provider. Such training must be completed in a reasonable time based on the availability of such training.

63.6.2.4.2 The licensee shall keep documentation of this training with the child's MAR and inform the parent or guardian in writing which staff members are authorized and trained to perform the requested medication by injection. This information must be updated as needed.

63.6.2.4.3 The licensee shall ensure that at least one staff member, who is trained as required by subsection 63.6.2.4.1, to provide the requested medical care, is present at the center at all times while the child is present.

63.6.2.5 A licensee shall ensure this information is reviewed with the child's parent or guardian and health care provider yearly, and as needed. Reviews and changes must be written, dated, agreed upon by all parties, and kept with the MAR.

63.7 A school-age child may self-administer medical care, as described in Section 63.0, with written parent or guardian permission and written health care provider permission. These permissions must indicate the child is able to safely self-administer the prescribed medical care, identify and select the correct medicine and dosage, if applicable, and administer the medical care at the correct time and frequency. The licensee shall keep documentation of these permissions with the child's MAR. A staff member with a current administration of medication certificate shall be present during the self-administration and document all information required on the MAR, including that the medication was self-administered by the child.

63.8 The administration of medication may be required under State and federal laws including but not limited to the Americans with Disabilities Act and the Delaware Equal Accommodations Law. If an agency, administrative body, court, or other entity responsible for enforcing Federal, State, and local laws and regulations makes a finding that the refusal of a licensee to administer medication is a violation of the law, OCCL shall take appropriate enforcement action consistent with subsection 12.5, due to licensee's failure to comply with subsection 15.2.

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64.0 Child Accident and Injury

64.1 When known, a licensee shall ensure if a child in care has an accident or injury, a staff member provides assistance to protect the child from further harm.

64.1.1 For a serious or potentially serious injury, a licensee shall ensure the parent or guardian is notified immediately after staff members have assisted the child and contacted an ambulance, if needed.

64.1.1.1 Serious injuries are described in the definitions.

64.1.1.2 For these injuries, a licensee shall document when the parent or guardian was informed or when calls were made to the parent or guardian or emergency contact, but no one answered.

64.1.2 A less serious accident or injury requires parent or guardian notification before the child leaves for the day.

64.1.3 A licensee shall complete and keep a written accident or injury report for each incident in the child's file or a central log for the center.

64.1.3.1 A licensee shall ensure the report includes the name of the child, date of injury, description of the injury, how it occurred, first aid or medical care provided, and parent's, guardian's, or authorized release person's signature.

64.1.3.2 The parent, guardian, or authorized release person shall be provided a copy of the report on the day of the accident or injury or within one business day.

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

64.3 When known, the licensee shall notify OCCL when an accident or injury results in death or medical or dental treatment other than first aid provided at the center, as described in subsection 14.3.

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65.0 First Aid Kits

65.1 A licensee shall have at least one complete first aid kit in a location accessible to staff members but not to children. A first aid kit must be taken on field trips/program outings.

65.2 The first aid kit must include:

65.2.1 Disposable non-porous gloves;

65.2.2 Scissors;

65.2.3 Tweezers;

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

65.2.5 Bandage tape;

65.2.6 Sterile gauze pads;
65.2.7 Flexible rolled gauze;
65.2.8 Triangular bandage or sling;
65.2.9 Safety pins;
65.2.10 Eye patch or eye pad;
65.2.11 Pen or pencil and note pad;
65.2.12 Instant cold pack or frozen ice pack;
65.2.13 Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide;
65.2.14 Small plastic, metal, or wooden finger splints;
65.2.15 Non-medicated adhesive strip bandages; and
65.2.16 Plastic bags for cloths, gauze, and other materials used in handling blood.

65.3 A first aid kit taken on field trips or program outings must include the items listed in subsection 65.2 and the following:
65.3.1 Bottled water;
65.3.2 Liquid soap;
65.3.3 Emergency and other needed medications; and
65.3.4 List of emergency phone numbers, parents' or guardians' home and work phone numbers, and the Poison Control Center phone number.

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66.0 Emergency Planning

66.1 A licensee shall have and follow a written emergency plan that describes procedures for natural and man-made disasters. A licensee shall train staff members on the plan. The emergency plan must include information and procedures in the following areas:
66.1.1 Preparing for a disaster;
66.1.2 Assigning specific responsibilities to staff members during a disaster;
66.1.3 Keeping track of children and staff;
66.1.4 Moving to a new location, if appropriate;
66.1.5 Communicating with and returning children to families;
66.1.6 Meeting the needs of infants, toddlers, and children with disabilities or medical conditions;
66.1.7 Caring for children after the disaster;
66.1.8 Contacting appropriate emergency response agencies and the parents/guardians; and
66.1.9 Locking down the center.

66.2 Monthly evacuation drills must be practiced from all exit locations during different times of the day, including nap time. Evacuation routes must be posted in each room that the children use. Each drill must be documented and include:
66.2.1 Drill date and time of day;
66.2.2 Number of children and staff members who participated;
66.2.3 Exits used; and
66.2.4 Total time to evacuate the center.

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

66.4 A licensee shall conduct a monthly fire prevention inspection and post the latest inspection report in a visible place.

67.0 Transportation

67.1 Use of a vehicle, other than a school bus, with a rated capacity as defined by the manufacturer, to carry more than 10 passengers in addition to the driver to transport children is prohibited. A licensee shall ensure 12-15 passenger vans are not used to transport children. Passenger includes the driver.

67.2 A licensee shall ensure when transporting children that the driver, when volunteering or employed by the center, and vehicle, when owned or leased by the center, comply with all applicable federal and State laws.
67.2.1 The driver shall be at least 21 years old.
67.2.2 The driver shall have a valid driver's license that authorizes the driver to operate the vehicle being driven.
67.2.3 The driver shall have a comprehensive background check confirming eligibility to be alone with children during transport.
67.2.4 The driver does not need to be qualified by DEEDS Early Learning.

67.2.5 The driver may not transport more children and adults than the vehicle's capacity.

67.3 A licensee shall ensure children are transported using child-safety restraints as required by State and federal laws.

67.4 A licensee shall ensure that companies contracted by the center to provide transportation services to children follow applicable State and federal laws.

67.5 A licensee shall ensure each child is secured in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while the vehicle, other than a school bus, is in motion.

67.5.1 Safety restraints must be federally approved and labeled according to the applicable Federal Motor Vehicle Safety Standard.

67.5.2 Child safety restraints must be installed and used as determined by the manufacturer and vehicle's instruction manual.

67.5.3 Safety restraints must be kept in a safe working condition and free of recall.

67.6 If using a school bus, children preschool-age or younger must only be transported on a school bus that is properly equipped with child safety restraints unless the licensee explains to parents or guardians in writing that while child safety restraints on school buses for children preschool-age or younger are not currently required by State law, the National Highway Traffic Administration recommends that children in this age group always be transported using child safety restraints, and the licensee receives written parent or guardian permission stating the child may be transported on a school bus unrestrained.

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

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

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

67.7.3 A working phone;

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

67.7.5 A dry chemical fire extinguisher approved by Underwriters Laboratory.

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

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

67.10 A licensee shall have written parent or guardian permission for transportation provided by the center.

67.10.1 A licensee shall document arrangements with the parent or guardian including the pickup and drop off times when driving a child to and from the child's school.

67.10.2 A licensee shall inform the parent or guardian of the person or transportation service who is driving the vehicle and ask about special needs the child may have during the ride.

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

67.12 A licensee may not transport children in the open back of a truck.

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68.0 Field Trips and Program Outings

68.1 A licensee shall have and follow a plan to keep track of children at all times during field trips or routine program outings.

68.2 A licensee shall have written parent or guardian permission before taking a field trip or going on a routine program outing. The permission for a field trip must state the location, date of the trip, and who will provide transportation, if applicable. The permission for a routine program outing must state the location, frequency, and method of transportation which may include walking.

68.3 Medical consent forms and emergency contact information for all children, a traveling first aid kit as described in these regulations, and a working phone must accompany staff on trips and outings. Children must have tags or other means of providing the center's name and phone number.

68.4 A licensee shall ensure during field trips or routine program outings, a licensee maintains the following staff-to-child ratios with a minimum of 2 staff members present at all times except when the children are school-age or

riding in a buggy or stroller:

	Age of Child	Minimum Staff-to-Child Ratio
Infant	Under 12 months	1:2
Young toddler (1 year old)	12 through 23 months	1:4
Older toddler (2 year old)	24 through 35 months	1:6
Young preschool child (3 year old)	36 through 47 months	1:8
Older preschool child (4 to 5 year old)	48 months or older and not yet attending kindergarten or higher	1:10
School-age child	Attending kindergarten or higher	1:15

68.4.1 For a routine program outing where children are always contained in a buggy/stroller, classroom ratios must be maintained in accordance with Section 27.0.

68.4.2 Volunteers count toward the staff-to-child ratio for field trip or routine program outing purposes only if not accompanied by other children who are not enrolled at the center. Volunteers may not be left alone with children other than their own children, unless they had a comprehensive background check and were determined eligible.

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

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69.0 Pets

69.1 A licensee shall ensure pets kept by or located in the center are cared for in a safe and sanitary manner.

69.2 A licensee shall keep proof of vaccination as required by State law (currently this is rabies vaccinations for dogs and cats).

69.3 Poisonous or aggressive animals or animals that are known to be carriers of illnesses, such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds or birds of the parrot family, or animals who are sick with a disease that may be spread to humans may not be kept at the center or brought into the center.

69.4 A licensee shall keep containers used solely for collecting animal feces or urine out of rooms used by children.

69.5 A licensee shall inform parents or guardians of animals or pets kept or brought into the center.

69.6 Children may handle animals only with adult supervision.

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70.0 Water

A licensee shall ensure 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.

71.0 Meals and Snacks

71.1 A licensee shall ensure meals and snacks are served on the following schedule depending on the number of hours the child is present:

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

71.2 A licensee shall ensure meals and snacks are provided by a center except when:

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

71.2.2 The center does not provide meals or snacks and informs the parent or guardian at the time of enrollment that meals or snacks are to be provided by the parent or guardian. The center must inform the parent or guardian of the importance of sending nutritional meals or snacks; or

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

71.3 A licensee shall encourage adults to eat healthy foods when eating with children.

71.4 A licensee shall ensure staff members responsible for food service have knowledge of nutrition, sanitary food preparation, storage, and cleaning, and follow the center's policy on food service.

71.5 A licensee shall ensure staff members' responsibilities for food service do not reduce staff-to-child ratios, interfere with the center's program, or lessen supervision of children.

71.6 A licensee shall ensure meals and snacks provided by the center:

71.6.1 Follow the meal pattern requirements (see Appendix VI and Appendix VII) which are appropriate to the child's age;

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

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

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

71.6.4.1 Menus listing food served must be kept for 30 days.

71.6.4.2 Changes to the food served on a particular date must be written on the menu on or before that date.

71.7 A licensee shall ensure that special, therapeutic diets are prepared and served by staff members only upon written instructions by a health care provider. A health care provider's written permission is required for a change in meal patterns.

71.8 A licensee shall ensure when a parent or guardian requests a change of meal patterns due to a family's food preferences or religious beliefs, the parent or guardian provides the center with a list of the foods that are unacceptable and the substitutions allowed.

71.9 Meal Components for Toddlers and Older Children

71.9.1 As described in Appendix VI, a licensee shall ensure 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 food groups.

71.9.2 As described in Appendix VI, a licensee shall ensure 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 food groups and two items from the fruit and vegetable food group.

71.9.3 As described in Appendix VI, 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. If milk or 100% juice is not included with a snack provided and served by the center, water must be served with that snack.

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

71.11 A licensee shall ensure each child has own utensils, such as a fork, spoon, knife, dish, cup or bottle, as appropriate to the child's age. This equipment may not be shared with another child or adult during feeding.

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

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

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72.0 Feeding of Infants

72.1 As described in Appendix VII, a licensee shall ensure a breakfast provided and served by a center has at least one age-appropriate serving-size item from each of the required food groups including breast milk or formula.

72.2 As described in Appendix VII, a licensee shall ensure lunch or dinner provided and served by a center has one age-appropriate serving-size item from each of the required food groups including breast milk or formula.

72.3 As described in Appendix VII, a licensee shall ensure that a snack provided and served by a center has at least one age-appropriate serving-size item from each of the required food groups including breast milk or formula, grain, and fruit and vegetable food groups.

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

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

72.4.2 Mixing prepared formula or breast milk in a bottle with anything else requires written permission from an infant's health care provider;

72.4.3 A written record of each infant's food intake must be shared with the parent or guardian daily. Feeding problems must be discussed with the parent or guardian before the infant leaves that day;

72.4.4 An infant must be held for bottle-feeding. When an infant is able to hold a bottle or does not want to be held while fed, the infant may be placed in a high chair or at a feeding table; and

72.4.5 Introduction to all new foods and beverages must be made only with the parent’s or guardian's permission.

72.5 Infants must be allowed to take breaks during feedings. Infants must be observed for signs of fullness and must be allowed to stop a feeding when full unless documentation from an infant's health care provider requires the feeding to continue;
72.6 Parent or guardian permission is needed to feed formula to an infant receiving only breast milk;
72.7 A staff member shall hold only one infant at a time while bottle-feeding;
72.8 An infant must never be placed in sleeping or relaxing equipment with a bottle or have a bottle propped for feeding;
72.9 Bottles and infant foods must be warmed for no more than five minutes under running warm tap water or by placing them in a container of water that is no warmer than 120° F. They may not be warmed or thawed in a microwave oven;
72.10 For infants age four months or older, semi-solid foods may be fed as requested by the parent or guardian and are required once an infant is eight months old unless the parent or guardian provides documentation from the infant's health care provider stating otherwise;
72.11 Foods for infants must be a texture and consistency that helps them eat safely. Puréed foods must be served from a dish unless serving the entire contents of the jar;
72.12 Cow's milk may not be served to infants;
72.13 Juice may not be fed to infants;
72.14 Bottles and nipples kept by center must be washed and sanitized before each use;
72.15 Each infant's bottle must be labeled with the infant's name and refrigerated immediately after preparation by center staff members or on arrival if prepared by a parent or guardian;
72.16 Unused bottles must also be dated as to when prepared if not returned to the parent or guardian at the end of each day;
72.17 Unused portions of formula must be thrown away after each feeding that exceeds one hour;
72.18 Formula must be prepared from a factory-sealed container;
72.19 Refrigerated, unused, prepared formula must be thrown away after 48 hours; and
72.20 Breast milk must be fed only to the infant it was intended for.
72.20.1 Frozen breast milk must be thawed under running cold water or in the refrigerator and used within 24 hours.
72.20.2 Thawed, previously frozen breast milk may be kept at room temperature for one to two hours.
72.20.3 Breast milk must be used within two hours after a feeding has finished.
72.20.4 Expressed breast milk must be returned to the parent if it is in an unsanitary bottle, partially used, or if it has been unrefrigerated for more than four hours or within two hours after a feeding has finished.
72.20.5 Refrigerated, unused, freshly expressed breast milk that was never frozen must be returned to the parent after four days.
72.20.6 Breast milk that was frozen and stored in a freezer at 0° F must be thrown away after six months.
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PART VI EARLY CARE AND EDUCATION

73.0 Program Goals and Planning

73.1 A licensee shall ensure the program provides physical care routines (such as diapering or toileting, feeding, and hand washing) appropriate to each child's developmental needs.
73.2 A licensee shall develop written goals of what the center plans to accomplish for enrolled children's development and education.
73.2.1 Goals must include areas of physical, social-emotional, language and literacy, and cognitive development and be developmentally appropriate for the children enrolled.
73.2.1.1 The curriculum goals and daily activities for each group of children must be implemented by an assigned staff member who is qualified as at least an early childhood assistant teacher, school-age site assistant, or early childhood caregiver.
73.2.1.2 The early childhood administrator, early childhood curriculum coordinator, or early childhood teacher with a degree or school-age administrator when assigned this duty shall approve and monitor the assigned staff member's job performance.
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74.0 Lesson Plans

74.1 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 73.2.1.

74.1.1 The lesson plan must be current and posted for easy reference by parents or guardians and staff, unless the plan is given to a parent or guardian in advance and available electronically for viewing. Upon request, the plan must be provided to parents or guardians.

74.1.2 The lesson plan must include at least one daily activity for each goal listed in subsection 73.2.1. Activities that allow children to choose to participate with the whole group, part of the group, or independently must be included.

74.1.3 The plan must show that the children have the choice to participate in at least four activities each day. These activities must be conducted at least 1/3 of the time the child is present for a particular day.

74.1.4 Adult-child interactions, teaching strategies, activities, materials, and equipment must be adapted as needed to support all children's learning, including those with goals described in IEPs, IFSPs, and Section 504 plans, if needed. A licensee shall allow services to be provided at the center for a child with disabilities, including services through an IEP or IFSP. At the request of a parent or guardian, a licensee shall permit qualified professionals to complete an observation or assessment of the child while at the center.

74.1.5 Lesson plans must 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.

74.2 A licensee shall ensure for children 24 months and older there are weekly opportunities documented on the lesson plan for children to learn in the following areas:

74.2.1 Cooking, food exploration, or healthy habits, such as talking about healthy habits or comparing the taste and texture of different foods;

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

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

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

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

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75.0 Activity Areas

75.1 A licensee shall ensure for children 24 months to school-age, indoor physical space is organized into activity areas where an identifiable space with related equipment and materials are kept in an orderly fashion. Daily opportunities to use these areas must be documented on the lesson plan. These areas must be accessible to children and include the following areas:

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

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

75.1 3 Construction materials or blocks, such as unit blocks and accessories;

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

75.1 5 Manipulative, mathematics, and problem solving, such as puzzles, small construction toys, or objects to sort.

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76.0 Activity Schedule

76.1 A licensee shall develop and follow a schedule for each group of children that is posted for easy reference by parents or guardians and staff.

76.1.1 The schedule must list times for the following activities: learning opportunities; active or outdoor play; free choice and staff-directed activities, rest or at least 30 minutes of quiet play, meals, and snacks.

76.1.2 This schedule may be flexible based on the needs and interests of the children.

76.2 Weather permitting, a licensee shall ensure daily outdoor play is provided for infants, toddlers, and older children when the wind chill factor is 32° F or higher or the heat index is 89° F or lower.

76.2.1 Outdoor play during periods outside this temperature range may be determined by the licensee.

76.2.2 Children must be appropriately dressed for the weather.

76.2.3 A licensee shall ensure the guidelines of the National Weather Service (currently https://www.weather.gov) are followed if an advisory regarding health or safety risks has been issued.

76.2.4 For infants, this may include riding in a stroller or carriage, but must also include opportunities for gross motor development. This may occur on a blanket or other hazard-free space.

76.3 A licensee shall provide opportunities for physical activity for each child one year and older, according to the child's ability.

76.3.1 For every four hours the child is in care between 7 AM and 7 PM, 30 or more minutes of moderate to vigorous physical activity indoors or outdoors must be provided.

76.3.2 Daily active play may happen in one or more blocks of time.

76.3.3 Structured physical activities must be adapted to allow inclusion of children of all abilities.

76.4 A licensee shall ensure screen time activities, such as watching television, using a gaming device, tablet, phone, or computer, are supervised by a staff member, age-appropriate, and educational. Screen time activities require written parent or guardian permission and are limited to one hour or less per day, unless a special event occurs. Children younger than two years are prohibited from participating in screen time activities. Assistive technology is not included in screen time restrictions.

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77.0 Infant and Toddler Care

77.1 A licensee shall ensure safety gates approved by the American Society for Testing and Materials are used in stairway areas where infants and toddlers are in care.

77.1.1 Gates must have latching devices that adults, but not children, can open easily.

77.1.2 Pressure or accordion gates may not be used in any area of the center.

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

77.3 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.

77.4 A licensee shall ensure children under three years old do not have access to plastic bags except for small bags used in supervised activities. Styrofoam objects, cups, bowls, toys; latex balloons; and objects less than one inch wide are prohibited.

77.5 A licensee shall prohibit the use of walkers unless prescribed by a child's health care provider. A copy of the prescription or medical authorization must be kept in the child's file.

77.6 A licensee shall ensure staff members document an infant's feeding, sleeping, diapering, and other routine activities daily. These records must be shared with the infant's parent or guardian at the end of each day.

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

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78.0 Interactions with Infants

78.1 A licensee shall ensure staff members interact with infants. A licensee shall ensure that interactions are adapted to support all children's learning. Staff members shall use activities and interactions, such as those found in the Delaware Early Learning Foundations including the following:

78.1.1 Offering frequent face-to-face interaction with infants when they are awake;

78.1.2 Being held and carried;

78.1.3 Limiting time spent in confining equipment, such as a crib, infant seat, swing, high chair, or playpen, to less than 30 minutes at a time while awake.

78.1.3.1 Other than in a crib, playpen, or pack-and-play, infants must be provided with an age-appropriate activity.

78.1.3.2 After removing the infant from the equipment, the infant must be able to move freely on the floor in a clean area protected from foot traffic;

78.1.4 Providing opportunities for large muscle activities appropriate to the infant's developmental level, such as supervised tummy times for a few minutes, while the infant is awake;

78.1.5 Providing daily outdoor play opportunities as described in subsection 76.2;

78.1.6 Talking with infants during play, feeding, and routine care;

78.1.7 Reading to and looking at books with infants while holding or sitting close to them;

78.1.8 Providing varied materials, sights, sounds, and other experiences for infants to explore with their senses;

78.1.9 Responding to infants' actions, sounds, and beginning language;

78.1.10 Giving names to objects and experiences in the infants' environment;

78.1.11 Providing space and equipment to support infants' developing physical skills, such as rolling over, sitting, scooting, crawling, and standing; and

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

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79.0 Interactions with Toddlers

79.1 A licensee shall ensure staff members interact with toddlers at their eye level, and whenever appropriate, sit on the floor with the toddlers. A licensee shall ensure that interactions are adapted to support all children's learning. Staff members shall use activities and interactions, such as those found in the Delaware Early Learning Foundations including the following:

79.1.1 Offering frequent face-to-face interactions with the toddlers;
79.1.2 Having conversations with toddlers during play, feeding, and routine care;
79.1.3 Reading to and looking at books with toddlers individually and in small groups;
79.1.4 Encouraging children to play with one another with adult help;
79.1.5 Providing materials and encouragement for pretend play alone and with other children and staff;
79.1.6 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
79.1.7 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 76.3;
79.1.8 Limiting time spent in confining equipment, such as a crib, seat, swing, high chair, or playpen, to less than 30 minutes at a time while awake.
79.1.8.1 Toddlers must be provided with an age-appropriate activity.
79.1.8.2 After removing the child from the equipment, the child must be able to move freely on the floor;
79.1.9 Responding to toddlers' words and actions with interest and encouragement;
79.1.10 Giving names to objects and experiences in the toddlers' environment; and
79.1.11 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.

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80.0 Interactions with Preschool and School-Age Children

80.1 A licensee shall ensure staff members interact with preschool-age children at their eye level, and whenever appropriate, sit on the floor with the children. A licensee shall ensure that interactions are adapted to support all children's learning. Staff members shall use activities and interactions, such as those found in the Delaware Early Learning Foundations including the following:

80.1.1 Offering frequent face-to-face interactions with children;
80.1.2 Having conversations with children during play, meals, and routine care;
80.1.3 Reading to and looking at books with children individually and in groups;
80.1.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;
80.1.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the center's environment;
80.1.6 Supporting the development of social competence through play and cooperative work with other children;
80.1.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
80.1.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
80.1.9 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 76.3;
80.1.10 Responding to children's words and actions with interest and encouragement;
80.1.11 Giving names to objects and experiences in the children's environment; and
80.1.12 Supporting children's development of independence and mastery of skills.

80.2 When caring for school-age children, a licensee shall ensure staff members provide activities, opportunities, materials, and equipment as described in Part VII, Additional Provisions for School-Age Only Centers.

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PART VII ADDITIONAL PROVISIONS FOR OVERNIGHT CARE

81.0 General

81.1 Overnight care may be provided by a center licensed to provide only overnight care or as a part of a licensed center.

81.2 A center licensed to provide only overnight care is exempt from Section 53.0.

82.0 Staffing

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

82.2 A licensee shall ensure a single staff member provides no more than 16 hours of care within 24 hours.

82.2.1 This staff member must have at least seven consecutive hours of rest off the center's premises.

82.2.2 No other employment is permitted during the hours of rest.

82.3 A licensee shall ensure when children one year and older are sleeping, at least half of the required staff members are directly supervising the children.

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

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

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

83.0 Activities

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

83.2 A licensee shall ensure each child is given individual attention at bedtime and upon waking. The licensee shall discuss with the parent or guardian any special preferences, habits, or disability or health related needs or accommodations regarding bedtime and waking and share this information with the staff member in charge of the child.

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84.0 Sleeping Arrangements

84.1 A licensee shall ensure sleeping children are separated from children who are awake.

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

84.3 In addition to the sleeping equipment and bedding requirements listed in Section 56.0, a licensee shall provide the following for children sleeping four or more hours at the center between the hours of 10:00 PM and 6:00 AM;

84.3.1 An infant must sleep in a crib, playpen, or pack-and-play;

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

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

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

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

84.4 A licensee shall ensure that each child has clean and comfortable sleeping garments.

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85.0 Bathing and Grooming

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

85.1.1 Each child must be bathed individually.

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

85.1.3 An infant must be bathed in age-appropriate bathing equipment.

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

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

85.1.6 Individual towels and washcloths must be provided for each child.

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

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

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

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PART VIII ADDITIONAL PROVISIONS FOR SCHOOL-AGE ONLY CENTERS

86.0 General

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

86.2 A school-age center must follow all regulations contained in this document except for the following from which they are exempt:

86.2.1 Section 22.0 (Breast Feeding);
86.2.2 Subsection 26.5 (Staffing Ratio);
86.2.3 Subsection 49.7 (General Safety Practices - Outlet Covers);
86.2.4 Section 42.0 (Documenting Children's Progress);
86.2.5 Section 56.0 (Sleeping accommodations; unless there are children who nap/sleep at the school-age center);
86.2.6 Subsections 57.2 and 57.3 (Equipment);
86.2.7 Section 61.0 (only Diapering);
86.2.8 Sections 71.0 and Section 72.0 (Infant and Toddler Food and Nutrition);
86.2.9 Section 74.0 Lesson Plans through Section 79.0; and
86.2.10 School-age only programs located in a public or private school are exempt from the covered trashcan requirement found in subsection 49.12.

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25 DE Reg. 1115 (06/01/22)

87.0 School-Age Staff Qualifications

87.1 School-Age Administrator

87.1.1 A licensee shall ensure a school-age administrator is at least 20 years old and meets the following education and experience qualifications:

School-Age Administrator Qualifications			
Education	**Area of Study**	**Regionally Accredited College or University Credits[1]**	**Experience [2,3]**
At least a high school diploma or equivalent recognized by DOE	Any area of study	Successful completion of at least 12 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 six college or university credits from a regionally accredited college or university in recreation, elementary education, school-age care, or school-age administration and the School-age Bundle offered by the Delaware Institute for Excellence in Early Childhood	Six months of experience working with children kindergarten through sixth grade in a group
At least a high school diploma or equivalent recognized by DOE	Any area of study	Successful completion of the School-age Bundle offered by the Delaware Institute for Excellence in Early Childhood	12 months of experience working with children kindergarten through sixth grade in a group
[1] A school-age credential may substitute for three college or university credits when issued by DOE or other approved agencies.			
[2] Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.			
[3] Supervised experience may substitute for half of the required experience.			

87.2 School-Age Site Coordinator

87.2.1 Persons qualified as a school-age site coordinator prior to the implementation of these regulations will retain that qualification. The qualification is transferrable to any place of employment at a licensed child care center in Delaware.

87.2.2 Persons previously qualified as a school-age site coordinator may function in the position of a school-age administrator.

87.3 School-Age Site Assistant

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

School-Age Site Assistant Qualifications

Education	Area of Study	Regionally Accredited College or University Credits or Quality-Assured Training	Experience[1]
At least a high school diploma or equivalent recognized by DOE	Any area of study	Successful completion of three credits from a regionally accredited college or university 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 or care to children kindergarten through sixth grade in a group - or - Full-time employment during the majority of one summer season (June through August) providing education or care to children kindergarten through sixth grade in a group
At least a high school diploma or equivalent recognized by DOE	Any area of study	Successful completion of at least 15-clock- hours of quality-assured training in school-age care	Part-time employment from September to June for two school years or full-time employment for one school year providing education or care to children kindergarten through sixth grade in a group - or - Full-time employment during the majority of two summer seasons (June through August) providing education or care to children kindergarten through sixth grade in a group

[1]Supervised experience may substitute for half of the required experience.

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87.4 School-Age Intern

87.4.1 A licensee shall ensure a school-age intern is at least 16 years of age.

87.4.1.1 A school-age intern may be 15 years old if attending a high school's early childhood education program and enrollment documentation is on file at the center.

87.4.1.2 A school-age intern must be at least four years older than any child in the school-age intern's direct care.

87.4.1.3 A school-age intern must always be under the direct observation of at least a school-age site assistant except as stated in subsection 87.4.3.

87.4.1.4 A school-age intern may not be alone with children except as stated in subsection 87.4.3. A school-age intern may count in the staff-to-child ratio.

87.4.2 A licensee shall ensure a school-age intern meets one of the following qualifications:

87.4.2.1 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;

87.4.2.2 Successful completion of at least 15-clock-hours of quality-assured training in school-age care, including OCCL's approved Health and Safety Training for Child Care Professionals (Persons previously qualified as interns will keep that qualification); or

87.4.2.3 Successful completion of the education requirement for a higher-level school-age position contained in these regulations.

87.4.3 While maintaining required ratios and group size, a qualified school-age intern who is at least 18 years old and determined eligible by CHU may be alone with children when:

87.4.3.1 Walking children to or from a bathroom;

87.4.3.2 Walking children to or from receiving first aid treatment;

87.4.3.3 Walking children to or from a bus stop;

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

87.4.3.5 Supervising an ill child while waiting for pick-up by a parent or guardian; and

87.4.3.6 Supervising school-age children, after working at the center for at least 10 hours each week for at least one month.

87.5 School-Age Aide

87.5.1 A licensee shall ensure a school-age aide is at least 16 years of age.

87.5.2 A school-age aide may be 15 years old if attending a high school's early childhood education program and enrollment documentation is on file at the center.

87.5.3 A school-age aide must be at least four years older than a child in the school-age aide's direct care.

87.5.4 A school-age aide always must be under the direct observation of at least a school-age site intern who is at least 18 years old, determined eligible by CHU, and who has worked at the center for at least 10 hours each week for at least one month.

87.5.5 A school-age aide may not be alone with children.

87.5.6 A school-age aide will count in the staff-to-child ratio only during the first 12 months of employment at a single center or affiliated center.

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88.0 Staffing

88.1 A licensee shall ensure a school-age center has a qualified school-age administrator who functions in that role.

88.2 A licensee shall ensure the school-age administrator is present at least 50% of the hours of operation.

88.3 A licensee shall ensure a school-age administrator is responsible for no more than two school-age centers.

88.4 A licensee shall ensure a school-age center has at least one school-age site assistant.

88.5 A licensee shall ensure when a school-age administrator 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 designated as responsible for the school-age center. This staff member must have documented training in the day-to-day operations of the center and supervision of children and staff.

88.6 A licensee shall ensure that if 25% of the center's population consists of preschool-age children, the center operates with a school-age administrator and the preschool-age children are supervised by the appropriate early childhood qualified staff members.

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89.0 Outdoor Play Area

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

89.2 A licensee operating a school-age center at a public or private school may use that school's playground upon approval by OCCL.

90.0 Snacks and Meals

90.1 When provided and served by the facility, a licensee shall ensure a nutritious snack comprised of one age-appropriate serving size item from each of two of the food groups as described in these regulations is served to each child in after-school care.

90.1.1 If breakfast is not served at the school-age center, a nutritious snack must be served to each child who is in before school care for more than two hours.

90.1.2 If milk or 100% juice is not included with a snack, water must also be served with that snack.

91.0 Child Care Activities

91.1 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. A licensee shall ensure that activities are adapted if necessary to accommodate a child with disabilities or other special needs.

91.1.1 As described in Section 57.0, supplies and equipment must be adapted to suit the different ages and interests of the school-age children, including books for all reading abilities.

91.1.1.1 There must be enough supplies and equipment to allow children the opportunity to choose activities or materials.

91.1.1.2 There must be a system of sharing high demand items, such as computers, when they cannot be supplied to all children.

91.1.2 Children must have the opportunity to be responsible for choosing, planning, carrying out, and evaluating their own activities depending on their ages. Children must have opportunities to experience many activities that reflect the various communities, languages, and cultures of the children in care.

91.1.3 The daily schedule for school-age children must be posted and include the following opportunities:

91.1.3.1 Moderate to vigorous active physical play, such as games, sports, dancing, running, jumping, climbing, or exploring the environment;
91.1.3.2 Outdoor activities or active physical indoor play when weather conditions do not permit outdoor play; and
91.1.3.3 Socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.
91.1.4 In addition to the daily schedule, a licensee shall ensure a monthly activity plan is posted and shows school-age children are working on projects that require extended time to complete in such topics as science, math, social studies, language arts, cooking, drama, creative arts, or music. This monthly activity plan may be included in the daily schedule.

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PART IX EXEMPTIONS FOR PUBLIC SCHOOLS

92.0 Exemptions for Public Schools

92.1 Beginning July 1, 2024, an early care and education center operated by a public school must follow all regulations contained in this document except for the following from which they are exempt:
92.1.1 Subsection 7.1.2.2 (References for applicant);
92.1.2 Subsection 7.1.3.3 (Sample two-week menu);
92.1.3 Subsection 7.1.3.4 (Business plan);
92.1.4 Subsection 7.1.3.5 (Deed or lease);
92.1.5 Subsection 7.1.3.6 (Fire Marshal approval if building is not being newly constructed or if it has not been approved for children younger than kindergarten to be present);
92.1.6 Subsection 7.1.3.7 (Zoning approval, DNREC approval, and Office of Drinking Water Certificate);
92.1.7 Subsection 7.1.3.9 (Release of Employment form and Service letters for applicant);
92.1.8 Subsection 7.1.3.10 (Comprehensive background check for applicant);
92.1.9 Subsection 7.1.3.11 (Adult health appraisal for applicant);
92.1.10 Subsection 7.1.3.14 (Staff handbook);
92.1.11 Subsection 7.1.3.17 (Certificate of liability insurance);
92.1.12 Subsection 7.1.3.18 (DE business license or proof of tax exemption status);
92.1.13 Subsection 30.1.1 (applications for staff and date of births for staff members); and
92.1.14 Sections 86.0 - 91.0 (Part VIII Additional Provisions for School-Age Centers).

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APPENDICES

APPENDIX I
Center Initial License Application
http://regulations.delaware.gov/AdminCode/title14/900/Appendix I Center Initial License Application.pdf

APPENDIX II
Center Renewal and Relocation License Application
http://regulations.delaware.gov/AdminCode/title14/900/Appendix II Center Renewal and Relocation License Application.pdf

APPENDIX III
Variance Request
http://regulations.delaware.gov/AdminCode/title14/900/Appendix III Variance Request.pdf

APPENDIX IV
Immunizations
http://regulations.delaware.gov/AdminCode/title14/900/Appendix IV Immunizations.pdf

APPENDIX V
Administration of Medication Self-Training Guide
http://regulations.delaware.gov/AdminCode/title14/900/Appendix V Administration of Medication Self-Training Guide.pdf

APPENDIX VI
Child Meal Patterns
http://regulations.delaware.gov/AdminCode/title14/900/Appendix VI Child Meal Patterns.pdf

APPENDIX VII
Infant Meal Patterns
http://regulations.delaware.gov/AdminCode/title14/900/Appendix VII Infant Meal Patterns.pdf

10 DE Reg. 1044 (12/01/06)
18 DE Reg. 974 (06/01/15)
22 DE Reg. 865 (04/01/19)
24 DE Reg. 267 (09/01/20)
25 DE Reg. 1115 (06/01/22)

10 DE Reg. 1044 (12/01/06)
18 DE Reg. 974 (06/01/15)
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