

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES

OFFICE OF CHILD CARE LICENSING

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

9 DE Admin. Code 101

PROPOSED

PUBLIC NOTICE

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

SUMMARY

The Office of Child Care Licensing (OCCL) proposes to amend DELACARE: Regulations for Early Care and Education and School-Age Centers in accordance with 31 Del.C §343. This proposal includes the following changes from the current regulations:

- Using plain language throughout the regulation;
- Clarification regarding the requirements for lead-paint risk assessments for centers that were built before 1978, including abatement for lead-paint hazards;
- Radon testing, including mitigation if necessary;
- Air quality testing for centers located in a building/structure that contains or contained a dry cleaner, nail salon, or any other use that may result in an unacceptable indoor air quality;
- Fingerprinting conducted before a staff member begins employment at the center;
- Comprehensive background checks for applicants, licensees, staff members, and volunteers before being alone with children;
- Broadening the education requirements for school-age site coordinators and reducing the experience requirements;
- Allowing early childhood interns to be alone with children during naptime;
- Certified staff at all times to administer medications, as needed;
- The allowance for licensees to be able to administer non-intravenous medication to comply with the Americans with Disabilities Act when requested by the parent;
- Adding the Administration of Medication Self-Training Guide to the appendices;
- Aligning the meals pattern requirements with the Child and Adult Care Food Program,
- Aligning the physical activity standards with national standards, and
- Requiring suspension and expulsion policies.

These amendments would require centers to be free of lead-paint and radon hazards and the additional requirement for centers located in a building/structure that contains or contained a business that may result in unacceptable air quality to have the air quality tested protects children's health. Comprehensive background checks and suspension and expulsion policies are required to comply with the Child Development Block Grant Act of 2014. Lastly, by amending these regulations, the needs of children requiring medication (with parent/guardian permission) while in child care will be met, consistent with the principles of the Americans with Disabilities Act. In addition, the application forms, the specific requirements to obtain a license, and due process provisions have been added to the regulation.

This proposal is very similar to the regulations that were proposed in November 2018; however changes were made based on stakeholder and providers' comments that OCCL received and the Administration of Medication Self-Training Guide was included as an appendix. Since the November proposal, the following sections, subsections, and appendices

were changed:

- Definition of conference;
- Definition of toddler;
- Definition of early childhood teacher;
- Definition of group size;
- Youth camp was added to the definitions;
- Subsection 7.3;
- Subsection 4.3.1;
- Subsection 12.5;
- Subsection 13.4.6.3;
- Subsection 14.1.1;
- Subsection 15.2;
- Subsection 23.1.2;
- Subsection 23.1.6;
- Subsection 26.6 added and the previous 26.6 was renumbered to 26.7;
- Subsection 30.1.19;
- Subsection 32.1.20;
- Subsection 45.2.2;
- Subsection 45.2.2.3;
- Subsection 45.2.3.2;
- Subsection 53.8.4;
- Subsection 62.1.24;
- Subsection 63.1;
- Subsection 63.1.1;
- Subsection 63.6;
- Subsection 63.8 was added;
- Subsection 64.1.1.1
- Subsection 65.3.3;
- Subsection 71.6.1;
- Subsections 71.9.1-71.9.3;
- Subsections 72.1-72.3;
- Subsection 76.3.1;
- Subsection 76.4;
- Subsection 88.7;
- Subsection 90.1;
- Appendix IV was added and the designation of the previously IV and V were changed to V and VI;
- Appendix V; and
- Appendix VI.

Interested parties wishing to offer comments, suggestions, data, briefs, or other materials concerning the proposed regulation may submit them to the Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families, 3411 Silverside Road, Hagley Building, Wilmington, Delaware, 19810, Attention: Kelly McDowell or email them to Kelly McDowell at Kelly.McDowell@state.de.us by the close of business on January 31, 2019.

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

INTRODUCTION

1.0 Legal Base

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

2.0 Purpose

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

PART I GENERAL PROVISIONS

3.0 Definition of Regulated Service

- 3.1 ~~Early care and education and school-age centers provide care, education, protection, supervision, or guidance for 13 or more children, including children who are related to the licensee. Service is provided on a regular basis for periods of less than 24 hours per day, unattended by parent or guardian, and for compensation. This definition shall include but is not limited to full- and part-time day care, child care, early care and education, early childhood education, preschool, nursery school, extended child care, independently operated kindergartens, before- or after-school care, school-age care, school's out care, school vacation or holiday care, and summer child care.~~
- 3.2 ~~Early care and education and school-age centers located at public or private schools that are operated by an agency or individual other than a public or private school entity shall be required to be licensed under these regulations.~~
- 3.3 ~~The following facilities that operate for less than 24 hours per day shall be exempt from licensure under these regulations:~~

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

4.0 **Definition of Terms**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Division” means the Division of Family Services within the department.

“Division director” means the director of the Division of Family Services.

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

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

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

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

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

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

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

“Early childhood intern” means a staff member who performs direct child care functions and related duties and works under the supervision of an early childhood teacher and the direct observation of at least an early childhood assistant teacher or early childhood caregiver. This individual can be alone with children as specified in these regulations and meets the qualifications specified in these regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Meal” means breakfast, lunch, or dinner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Snack” means supplemental food served between meals.

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

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

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

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

“Supervision of children” means the appropriate number of staff members are physically present in the area or room, including outside, where children are being cared for and are providing watchful oversight and timely attention to children’s actions and needs.

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

“Suspension order” means a notice issued by the OCCL directing that a center’s services be discontinued as of a specified date with no services to children provided during the term of the suspension order, and that the license to operate a center has been suspended.

“Toddler” means a child who is between the age of 12 months and less than 36 months of age.

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

“Variance” means the nontransferable written authorization issued by the division to use alternative means which meet the intent of the specific licensing regulation and is based on the need or circumstance of the center and does not endanger the health, safety, or well-being of children in care.

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

“Warning of probation” means a written notice of a specific enforcement action initiated by the OCCL and approved by the administrator of OCCL, intended to alert the facility that it has committed or accumulated sufficient serious violations of these regulations which, if not promptly corrected, could lead to a recommendation to place the facility on probation or other enforcement action.

5.0 Issuance of a License

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

6.0 Authority to Inspect

- 6.1 An applicant or licensee must allow access to the premises for announced or unannounced monitoring visits and complaint investigations. Access must also be allowed to information, files, or other documents relevant to determining regulation compliance by an authorized representative of the OCCL, a State agency, or a local building, fire or health agency. The purpose of access will be to determine compliance with applicable provisions of these regulations.
- 6.2 The licensee or any other individual shall permit and shall not impede the interviewing of the licensee, any staff member or substitute, any child in care, and the parent/guardian of a child in care by representatives of the OCCL and other authorized State or local officials. The purpose of all interviews will be to determine regulation compliance or investigate complaints of non-conformity with applicable provisions of these regulations and any other applicable codes, regulations, or laws.
- 6.3 A licensee may request a licensing conference to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint, or other monitoring visit.

7.0 License for Each Center Site Location

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

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

8.0 License Renewal

A licensee shall obtain, complete, and submit an application for a license renewal to the OCCL at least 60 calendar days before the expiration of the center's current license. When a licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the OCCL makes a decision on the renewal application. An annual or provisional license may be issued after a licensing specialist completes a compliance review.

9.0 Changes Affecting a License

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

10.0 License Suspension

- 10.1 The OCCL may immediately suspend a license if the health, safety, or well-being of children in care is in serious or imminent danger. A suspension order may be verbal or written and the licensee shall cease operation as required by the OCCL. A verbal suspension order shall be followed by a written suspension order within three business days. A written suspension order shall state the reason or reasons for the enforcement action.
- 10.2 Within 10 business days after the issuance of the written order, the licensee must relinquish the child care license (if applicable) to the OCCL, remain suspended until the reason for the suspension has been corrected, or remain suspended and request a hearing.
- 10.3 The hearing shall be scheduled and conducted within 10 business days of the licensee's request for a hearing by a hearing officer with no previous involvement in the matter prompting the hearing to determine if the suspension will continue. Extensions of time and continuances beyond the times specified shall be granted by the designated hearing officer only for good cause.

11.0 Denial of a License Application or Revocation

- 11.1 The division may deny a license application or revoke a license to operate for failure to follow these regulations or a federal, State, or local law. An effort to falsify information provided to the department shall be considered evidence of a violation of these regulations on the part of the licensee or staff member of the child care facility and may constitute a cause for revoking a license or denying a license application. The division shall notify the licensee in writing of its intent to deny a license application or revoke a license, stating the reason or reasons for the enforcement action, and specify the licensee's entitlement to appeal the decision and request a hearing.
- 11.1.1 Within 10 business days after receipt of the written notice, the licensee must request a hearing or accept the denial or revocation and close within the time frame indicated in the notice.
- 11.1.2 The hearing must be held within 30 days of the initial hearing request by a hearing officer with no previous involvement in the matter prompting the hearing. Continuances beyond the times specified shall be granted by the designated hearing officer only for good cause.
- 11.1.3 The licensee whose license has been revoked or applicant whose application has been denied may not apply for a license from the OCCL within a three-year period from the date that the revocation or denial was upheld. A facility's designated representative, early childhood administrator, or school-age administrator will not be issued a license during this three-year period.
- 11.2 If a licensee requests an administrative hearing in a timely manner, its existing license shall remain in effect until an official written decision has been rendered after the administrative hearing; except that the OCCL shall have the authority to suspend the license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.
- 11.3 If a licensee does not make a timely request for an administrative hearing in accordance with Subsection 11.1.1, the action to deny a license application or revoke a license shall take effect 30 calendar days after the issuance of the notice. However, if the health, safety, or well-being of children in care is in serious or imminent danger, the OCCL shall suspend the license.
- 11.3.1 An applicant or licensee who is dissatisfied with the decision of the Department as a result of the hearing provided for revocation or license application denials may within 30 business days after the mailing or service of the decision notice, file a notice of appeal at the expense of the provider to the Delaware

Superior Court in the office of the Prothonotary of the Superior Court of the county in which the child care facility is located or to be located, and serve a copy of the notice of appeal upon the Department.

- 11.3.2 The final decision of the Secretary will remain in place during the appeal process unless otherwise ordered by the Court pursuant to 29 ~~Delaware Code~~, Section 10144.

12.0 Regulation Variance

All regulations must be complied with in their entirety unless the applicant or licensee submits a written request for a regulation variance to the OCCL and receives approval. The variance request must document to the satisfaction of the division that the intent of the specific regulation shall be achieved in a manner other than that prescribed by the regulation and that the health, safety, and well-being of children in care will be preserved. The licensee shall maintain proof of the variance approval and make it available on request. If the licensee fails to comply with the variance, the division shall void the variance and require the site to become compliant with the regulation.

PART II ADMINISTRATION AND ORGANIZATION

13.0 Notification to the Office of Child Care Licensing

- 13.1 A licensee shall ensure that the OCCL is notified in writing at least 90 consecutive calendar days before the anticipated closing of the facility or program or a change of ownership, sponsorship, location, facility or program name, licensed capacity, or applicable type of regulated service being provided.
- 13.2 A licensee shall ensure that the OCCL is notified within five business days of the resignation, termination, transfer, or hiring of the early childhood or school-age administrator, early childhood curriculum coordinator, or school-age site coordinator.
- 13.3 A licensee shall ensure that the OCCL is notified within one business day by direct voice contact (followed by a written report within three business days) during the OCCL's working hours in the event of:
- 13.3.1 A fire, flood, or other damage due to a natural or man-made disaster(s) that impacts the ability to operate safely;
- 13.3.2 Injury of a child while in the care of a center when the center is informed the child required medical/dental treatment other than any first aid provided at the center;
- 13.3.3 Suspected abuse or neglect of a child while at the center (after reporting the suspected abuse or neglect to the 24-Hour Child Abuse Report Line, currently listed as 1-800-292-9582);
- 13.3.4 A known conviction of a staff member including those which prohibit continued employment at the center; or
- 13.3.5 An adverse effect or medication error, when known to the center, that results in medical treatment (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route).
- 13.4 A licensee shall ensure that the OCCL is immediately notified by direct voice contact during the OCCL's working hours of the death of a child while in care. If a death occurs after such working hours, the licensee shall immediately call the 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).
- 13.5 Telephone calls from the OCCL requiring a response from the licensee or staff must be returned within two business days.

14.0 Governing Body

- 14.1 A licensee shall have an identifiable owner or functioning governing body with responsibility for and authority over the operation of the center. The owner or governing body shall designate a qualified person to function as the early childhood or school-age administrator of the center.
- 14.2 The owner or governing body of a center shall ensure that the licensee and its employees follow all applicable federal, State, local laws and regulations, including, but not limited to, the Americans with Disabilities Act and Delaware equal accommodations statutes.
- 14.3 A licensee shall have an organized system of business management and have sufficient staff, space, and equipment to fulfill, at a minimum, administrative, fiscal, clerical, cleaning, maintenance, food services, direct child care, and supervisory functions.

15.0 Insurance Coverage

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

16.0 Records

- 16.1 A licensee shall maintain files and records applicable to licensing and have them accessible and available for review by OCCL at all times.
- 16.2 A licensee shall establish and use a system for documenting attendance at arrival and departure. This system shall verify the location of individual children when a child does not remain with the entire class. These daily child attendance records shall be retained for a minimum period of three months.
- 16.3 A licensee shall keep a written or electronic record of the daily work assignment and hours of each staff member to ensure this individual's whereabouts and classroom assignment, and retain these records for a minimum period of three months.

17.0 Enrollment

- 17.1 A licensee shall ensure that the daily population at the center is in accordance with the capacity restrictions on the center's license.
- 17.2 A licensee shall provide a prospective purchaser of care with information detailing the individual's right to inspect the active record and complaint files of the center as described in 31 **Delaware Code**, Section 398. As a part of the enrollment or application process, the licensee shall require the parent/guardian of children who are enrolled to read and sign *The Parents Right to Know Act* form and keep the signed document on file at the center. A copy of the signed document shall be given to the parent/guardian. In the event that the parent/guardian does not enroll the child, the signed document shall be kept on file for a minimum period of three months as proof of presenting the information.
- 17.3 A child shall attend the center only when the information listed in Section 19.0 is obtained from the parent/guardian, placed in the child's on-site confidential file, and updated regularly.
- 17.4 A licensee shall ensure that enrollment procedures involve a meeting with the parent/guardian and the child, when possible, to:
 - 17.4.1 Determine if the center's program can effectively meet the child's developmental and educational needs and abilities and to determine the accommodations or other planning needed to do so; and
 - 17.4.2 Provide an opportunity for the parent/guardian and child to observe the center and program.

18.0 Release of Children

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

19.0 Child Files

- 19.1 A licensee shall have an on-site confidential file for each child at enrollment and an established procedure to ensure that information supplied by a parent/guardian is maintained and kept current and available to staff responsible for a particular child on a need-to-know basis. This file shall be available upon request for at least three months after disenrollment and shall include the following:
 - 19.1.1 The child's first/last name, date of birth, address, and telephone numbers including home and parents'/guardians' cell phone numbers, if applicable;
 - 19.1.2 Parents'/guardians' name(s), place(s) and hours of employment, and work phone number(s), if applicable;
 - 19.1.3 Emergency telephone numbers for at least two individuals authorized for release of the child;
 - 19.1.4 Name and telephone number of the child's health care provider;
 - 19.1.5 Health appraisal and immunization record (or notarized religious or medical exemption from immunization) on file at the center within 30 calendar days of enrollment;
 - 19.1.6 First and last names of all people authorized to pick the child up from the center;

- 19.1.7 If applicable, relevant copies of court orders on custody and visitation arrangements provided by the parent/guardian;
- 19.1.8 Date of enrollment, hours/days child is scheduled to attend the center, and date of termination of enrollment, if applicable;
- 19.1.9 If provided by the parent/guardian, a statement of the child's medical, developmental, or educational special needs including copies of an IEP, IFSP and Section 504 plan and information on any allergies, existing illnesses or injuries, previous serious illnesses or injuries, and all prescription and non-prescription medication;
- 19.1.10 Written authorizations from parent/guardian for: emergency medical treatment, release of child, and if applicable, special dietary needs, swimming activities, administration of medication, television and computer use, and transporting the child on a routine or off premises basis;
- 19.1.11 If applicable, administration of medication records of a child and accident and injury reports, including copies of reports submitted to the OCCL as required by these regulations; and
- 19.1.12 Parent/Guardian signature forms as required by federal, State, or local governments or the OCCL, such as receipt of information specified in *The Parents Right to Know Act*.

20.0 Personnel Files

- 20.1 A licensee shall have a personnel file for each staff member including all substitutes, and volunteers working over five days or 40 hours a year, except as stated in Section 31.0. This file shall be available upon request for at least three months after employment/association ends. Except as noted, all file contents are required at the start of employment and shall include the following:
 - 20.1.1 Personal data sheet, completed application, or resumé containing the staff member's name, date of birth, home address, and telephone number;
 - 20.1.2 Date of employment or volunteer start date, termination date (as applicable);
 - 20.1.3 Two references from two adults who are not related to the staff member who can verify the staff is of good character and can meet the needs of children; These references can be letters or documentation of the reference's name, contact information, date of reference contact, contents of the conversation with a reference, and name of person receiving verbal reference;
 - 20.1.4 Release of employment history form, Service Letters obtained or pertinent documentation showing requests and follow up for Service Letters have been made. Two additional letters of reference or verbal references as described above are required if no previous employment or if unable to secure at least one service letter with appropriate documentation;
 - 20.1.5 Professional development plan within three months of hire, if applicable;
 - 20.1.6 Qualifications certificate (if applicable);
 - 20.1.7 Written records of required health appraisal that includes verification of the employee's ability to perform essential job functions and conducted within one year before hire date and submitted within the first month of employment. The required health appraisal may be submitted between 30 and 60 days after the start of employment upon documentation from the health care provider that the health appraisal appointment is scheduled during this extended period and that no earlier appointment date could be secured;
 - 20.1.8 Written evidence on file within the first month of employment of freedom from communicable tuberculosis verified by test or medical professional risk assessment within one year before the date of initial employment at the center, with further testing if there are specific concerns from a health care professional regarding the employee's health or in accordance with current guidelines of the Delaware Division of Public Health (current website is www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf);
 - 20.1.9 A statement signed by the staff member stating the staff member's status regarding all previous conviction(s), current indictment or involvement in criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in another state or country;
 - 20.1.10 Documentation of a fingerprinting appointment scheduled before the start of employment with verification of fingerprinting form presented within 30 calendar days of the staff member's start date;
 - 20.1.11 Verification of adult abuse registry check;
 - 20.1.12 Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or unlawful possession, manufacture, or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place;

- 20.1.13 If transporting children, a copy of a current driver's license;
- 20.1.14 Copy of job description;
- 20.1.15 Written proof that safe sleep procedures (for programs serving infants) and child abuse and neglect recognition and reporting procedures have been reviewed with the staff member yearly;
- 20.1.16 Orientation form that includes written documentation that the information in these regulations was reviewed as required; and
- 20.1.17 Record of annual training hours, if applicable.

21.0 General Human Resources and Personnel Policies

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

22.0 General Qualifications

- 22.1 A licensee shall ensure that each staff member has an understanding of and respect for children and their needs and for a child's family and culture.
- 22.2 A licensee shall ensure that use of alcohol or a drug that could adversely affect essential job functions, unlawful possession, manufacture or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the work place.
- 22.3 A licensee shall ensure that a background check is conducted on staff by the Delaware State Police. The appointment must be scheduled before the start of employment and the staff member shall not be alone with children until the background check results are received and suitability determined. Staff members shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted within 30 calendar days of hire. Results of all record checks shall be placed in the staff member's file.
- 22.4 A licensee shall complete an adult abuse registry check through the Department of Health and Social Services' website [<http://dhss.delaware.gov/dhss/dltcrp/Default.aspx>] or other available mechanism for staff members on or before their first day of employment. The results are to be printed and added to the staff member's file.
- 22.5 A licensee shall not employ or retain a person as a staff member who is prohibited or disqualified from working in child care in Delaware. The licensee shall not employ or retain in any capacity a person convicted of an offense defined as child sex abuse in 11 **Delaware Code**, Section 8550 or whose child or children are currently removed from this individual's custody because of abuse or neglect or who are on the Child Protection Registry at a Level III or Level IV.

23.0 Adult Health Requirements

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

24.0 Child Abuse and Neglect Reporting Requirements

- 24.1 A licensee shall develop, adopt, follow, and maintain on file written policies and procedures for handling an incident of suspected child abuse or neglect which occurs while a child is in or out of the center's care to comply with applicable laws.
- 24.2 Allegations of Abuse or Neglect against a Staff Member
 - 24.2.1 The licensee shall ensure children are not abused or neglected.
 - 24.2.2 The licensee shall take corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the center by a staff member; and
 - 24.2.3 A staff member alleged to have perpetrated an incident of child abuse or neglect shall not have direct contact with any child, but may, at the discretion of the licensee, be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed.

25.0 Orientation

- 25.1 A licensee shall document that all staff members, all substitutes, and volunteers working more than five days or 40 hours a year have been given an orientation training session before working with children. This includes the opportunity to ask questions and receive clarification and periodic updates, as information is revised, on their

job functions, child care licensing regulations (a copy of which shall be readily accessible to staff), and center policies on the following:

- 25.1.1 ~~Emergency preparedness, disaster and evacuation plans and procedures; personnel and administrative policies; positive behavior management; safe sleep procedures including prevention of sudden infant death syndrome, shaken baby syndrome and abusive head trauma; routine and emergency health care including health exclusions and prevention and recognition of the symptoms of childhood illnesses including reportable communicable diseases; prevention and response to emergencies due to food allergies; building and physical premises safety; handling and storage of hazardous materials; proper disposal of bio-contaminants; child accident and injury procedures; administration of medication; child care goals and program for children; recordkeeping; family involvement; food and nutrition services; safety and sanitation procedures; physical activity; screen time; photographing or videotaping children; transporting children, if applicable; and release of children;~~
- 25.1.2 ~~Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and the center's procedures to report abuse and neglect; and~~
- 25.1.3 ~~Information on federal or State laws or regulations applicable to children and families in care, including non-discrimination.~~

26.0 Owner of a Center

- 26.1 ~~The owner of a center shall be considered staff and actively involved if present at the center during regular hours of operation for seven or more hours per week or if working as a staff member as defined in these regulations. The personnel file of such an owner shall be on site and available for review and is only required to contain the following:~~
 - 26.1.1 ~~Job description;~~
 - 26.1.2 ~~Verification of annual training; if applicable~~
 - 26.1.3 ~~Verification of current first aid and CPR training;~~
 - 26.1.4 ~~A professional development plan within three months of start of ownership, if applicable;~~
 - 26.1.5 ~~Documentation acknowledging that the use of alcohol or a drug that could adversely affect essential job functions, or possession of a controlled substance is prohibited in the workplace; and~~
 - 26.1.6 ~~If transporting children, a copy of a current valid driver's license.~~
- 26.2 ~~All owners of a center who do not meet the requirements of Subsection 26.1 are not required to have a personnel file on site.~~

27.0 Staff Qualifications

- 27.1 ~~A licensee shall ensure that sufficient qualified staff as described in these regulations are hired and retained in order to meet the requirements of these regulations. A copy of the qualifications certificate shall be maintained in the staff member's file.~~
- 27.2 ~~Staff members qualified through the OCCL's designee, Department of Education, Delaware First, before the effective date of these regulations shall retain that qualification.~~
- 27.3 ~~A licensee shall ensure that each staff member without a valid qualifications certificate at a center submits, within 60 days of hire, true and accurate written documentation to the OCCL's designee, currently Delaware First, showing how the staff member is fully qualified for a particular position. The qualifications certificate shall be maintained in the employee's file. The OCCL shall determine what education, training, or experience is acceptable as an equivalent to meeting stated qualifications. When applicable, credits from a regionally accredited college or university based on specific topic areas/titles may serve as a substitute for other equivalent training as approved or accepted by the OCCL or its designee. Supervised experience may be substituted for the required experience for designated positions and will reduce the amount of experience required by half.~~
 - 27.3.1 ~~To participate in supervised experience as described in Subsections 27.5.1, 27.7, 27.8, and 77.3, a staff member must demonstrate during the designated period of continuous employment at a single licensed Delaware early care and education or school-age center, the ability to create, select, present, and evaluate developmentally appropriate lessons, activities, and curriculum for individual children as well as for small and whole groups of children. For early childhood positions and school-age positions when the center does not employ a school-age administrator or school-age site coordinator each with a degree, demonstration must occur under the formal documented supervision of a qualified early childhood administrator or early childhood curriculum coordinator, each with a degree.~~

- 27.3.2 In the event that false qualifications documentation is submitted to the OCCL or its designee, the applicant will be notified that the applicant will be unable to submit new or updated documentation for one year.
- 27.3.3 The OCCL and its designee will only accept high school diplomas obtained through regionally accredited agencies. The secondary credential assessment, such as the GED ® Test and alternatives will only be accepted if the examination was completed through the American Council on Education or individual state-sanctioned agencies.
- 27.3.4 Proof of a high school diploma or its equivalent, college transcripts, or proof of degree from another country used to verify qualifications for a position described in these regulations must be evaluated by an independent credentialing agency approved by the OCCL or its designee.

27.4 Early Childhood Administrator

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

| Education | Area of Study/ Major | Regionally Accredited College or University Credits¹ | Experience² |
|---|---------------------------------|---|--|
| At least a bachelor's degree or associate degree from a regionally accredited college or university | All areas of study | Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and one three hour early childhood elective of the learner's choice | 18 months of experience working with children ages birth through second grade in a group setting |
| ¹ Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as an early childhood administrator. | | | |
| ² Three months of supervised student teaching of children birth through second grade may substitute for six months of the required experience. | | | |

- 27.4.2 A licensee shall ensure that the early childhood administrator who manages the center's administrative duties such as human resources/personnel and fiscal has successfully completed 15 clock hours of approved training in administration, which may be included in the total number of college or university credits required for the position unless the duties are not the responsibility of the early childhood administrator. A written plan approved by the OCCL shall be required if the duties are not the responsibility of the early childhood administrator. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL.
- 27.4.3 An early childhood administrator without a degree, who before the effective date of the January 1, 2007, regulations was known as the program director at a particular center, shall be able to serve as the early childhood administrator provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center and that has a qualified early childhood curriculum coordinator with at least an associate degree functioning in that role.

27.5 Early Childhood Curriculum Coordinator

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

| Education | Area of Study/Major | Regionally Accredited College or University Credits | Experience ⁺ |
|---|--|--|---|
| Bachelor's degree from a regionally accredited college or university | Early childhood education, child development, elementary education, elementary special education or child psychology | Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning | Three months of supervised student teaching birth through second grade —or— Six months of experience working with children birth through second grade in a group setting |
| | All other areas of study/majors | Same as above | Six months of experience working with children birth through second grade in a group setting |
| Associate degree from a regionally accredited college or university | Early childhood education, child development, elementary education, or elementary special education | Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning | Three months of supervised student teaching birth through second grade —and— Three months of experience working with children birth through second grade in a group setting |
| | | | Six months of experience working with children birth through second grade in a group setting |
| | All other areas of study/majors | Same as above | 12 months of experience working with children birth through second grade in a group setting |
| High school diploma or equivalent recognized by Delaware Department of Education | All areas of study | Successful completion of at least 15 credits hours from a regionally accredited college or university in child development or early childhood education including six credits in early childhood curriculum development and planning | 24 months of experience working with children birth through second grade in a group setting |
| ⁺ Supervised experience may be substituted for the required experience and will reduce it by half. | | | |

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

27.6 Early Childhood Administrator or Early Childhood Curriculum Coordinator — Specialized Training

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

27.6.2 If the center serves school-age children, a licensee shall ensure that the individual functioning as either the early childhood administrator or early childhood curriculum coordinator has successfully completed 15 clock hours of approved training in school-age care. The clock hours may be translated from the college or

university credits and included in the total number of college or university credits required for the position. A center employing a qualified individual who functions as a school-age administrator shall be exempt from this requirement.

27.7 Early Childhood Teacher

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

| Education | Area of Study/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 in child development or early childhood education | Three months of supervised student teaching birth through second grade -or- Six months of experience working with children birth through second grade in a group setting |
| | All other areas of study/majors | Successful completion of at least six credits in child development or early childhood education | Six months of experience working with children birth through second grade in a group setting |
| High school diploma or equivalent recognized by Delaware Department of Education | All areas of study | Successful completion of at least nine credits of which three credits must be in early childhood education, child development, and positive behavior management. -or- Valid Child Development Associate Credential or CDA -or- Successful completion of Training for Early Care and Education 1 and 2 or TECE 1 and TECE 2 -or- Montessori Infant and Toddler Full/Associate Credential or Montessori Early Childhood Full/Associate Credential from a MACTE approved training program -or- Successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program -or- | 12 months of experience working with children birth through second grade in a group setting |
| | | Successful completion of a vocational or technical high school's three year program in early childhood education approved by Delaware's Department of Education -or- Successful completion before 2007 of a one year early childhood diploma program from a two year college | |
| ⁺ Supervised experience may be substituted for the required experience and will reduce it by half. | | | |

27.8 Early Childhood Assistant Teacher

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

| Education | Area of Study/Major | Regionally Accredited College or University Credits | Experience [†] |
|---|---------------------|--|--|
| High school diploma or equivalent recognized by Delaware Department of Education | All areas of study | Successful completion of at least three credits in early childhood education and three credits in child development –or– Successful completion of Training for Early Care and Education 1 or TECE 1 –or– Successful completion of a traditional high school's career pathway program in early childhood education approved by Delaware's Department of Education | Six months of experience working with children birth through second grade in a group setting |
| [†] Supervised experience may be substituted for the required experience and will reduce it by half. | | | |

27.9 Early Childhood Caregiver

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

27.9.2 The position of early childhood caregiver is acceptable provided that person remains at that original center or transfers only to a center licensed before the effective date of the January 1, 2007, regulations that is directly affiliated with the original center.

27.10 Early Childhood Intern

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

- 27.10.1.1 Successful completion of at least 15 clock hours of quality-assured training in early care and education;
- 27.10.1.2 Successful completion of at least three college or university credits from a regionally approved college or university in either child development or early childhood education; or
- 27.10.1.3 Successful completion of the education requirement for a higher level position contained in these regulations.

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

- 27.10.2.1 Walking children to or from a bathroom;
- 27.10.2.2 Walking children to or from receiving first-aid treatment;
- 27.10.2.3 Walking children to or from a bus stop;
- 27.10.2.4 Walking children from one classroom or area to another within the center; and
- 27.10.2.5 Supervising an ill child while waiting for pick-up by a parent/guardian.

27.11 Early Childhood Aide

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

months of employment at a single center. An early childhood aide attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood with enrollment documentation on file at the center, may count in the staff/child ratio while enrolled in the high school program.

28.0 Staffing

- 28.1 A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood administrator.
- 28.2 A licensee shall ensure that the center has a staff member who functions as and meets the qualifications for the position of early childhood curriculum coordinator.
- 28.3 An early childhood administrator shall also be able to serve as the early childhood curriculum coordinator provided the early childhood administrator meets the qualifications with at least an associate degree and:
 - 28.3.1 The center has a capacity of 60 or fewer children; or
 - 28.3.2 The licensee shall ensure through a written plan approved by the OCCL that the center's administrative duties such as human resources/personnel and fiscal are not the responsibility of the early childhood administrator. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Changes involving the person/entity performing these duties shall require a new plan approved by the OCCL.
- 28.4 A licensee shall ensure that a staff member who meets the qualifications and functions as an early childhood administrator or early childhood curriculum coordinator is at the center at least 60% of the hours of operation. The early childhood administrator shall be present at least 20 hours a week or 30% of the hours of operation.
 - 28.4.1 When the early childhood administrator or early childhood curriculum coordinator is not present, an assigned staff member that at least meets the qualification of early childhood teacher is present and specifically designated as responsible for the early care and education and school-age center. This staff member shall have documented training in the day-to-day operations of the center such as the center's emergency procedures, opening/closing procedures, location of and access to child and staff files, and supervision of children and staff.
 - 28.4.2 If an early childhood administrator is responsible for two or more centers, each with capacities of 60 or fewer children, a staff member who meets the qualifications for the position of an early childhood administrator or early childhood curriculum coordinator shall be at each center at least 50% of the hours of operation.
- 28.5 A licensee shall follow a one-to-four ratio of early childhood teachers to early childhood assistant teachers, early childhood caregivers, early childhood interns, and early childhood aides as indicated in the table below during all hours of operation:

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

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

29.0 Staff Communication

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

30.0 Ratios, Group Size, and Supervision

30.1 A licensee shall ensure that direct supervision of children is provided at all times through the assignment of qualified staff physically present and working with children to maintain the following minimum staff/child ratio and maximum group size for each age group listed during daily activities at the center as indicated in the table below:

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

⁴ A licensee may apply for a variance from the minimum staff/child ratio to a staff/child ratio of 1:20 when a currently certified State of Delaware teacher is teaching school-age children in the teacher's area of certification. The licensee must have and follow a plan to comply with the staff/child ratio of 1:15 when a certified teacher as described above is not present (such as during planned or unplanned absences, before and after care, etc.). A copy of the teacher's current certification and the licensee's plan for teacher absence must be submitted to OCCL with the Variance Request form. No variance from the maximize group size of 30 will be granted.

- 30.2 A licensee shall maintain the full staff/child ratio for infants at all times and a staff member shall be assigned to care for specific infants and toddlers within their group.
- 30.3 For mixed age groups, the staff/child ratio and group size requirements are those for the age of the youngest child present.
- 30.4 A licensee shall ensure that during nap times when children one year and older are sleeping, at least half of the required staff are physically present with each group of children and directly observing the children. Maximum group size shall be maintained.
- 30.5 A licensee shall have at least two staff present when seven or more children one year and older are present. When six or fewer children one year and older are present with only one staff member, that staff member must be qualified at least as an early childhood teacher. The licensee shall have and follow emergency procedures providing immediate access to emergency services and additional staff when only one staff member is present with children at the center.
- 30.6 A licensee shall care for infants and toddlers in rooms and outdoor play areas separate from older children unless 12 or fewer children in total are present or during the first 90 minutes and last 90 minutes of a center's hours of operation. Maximum group size does not have to be maintained when 12 or fewer children are present in the center. Mixing of age groups is permitted for special events or occasions.
- 30.7 A licensee shall ensure that when 10 or more school-age children are in attendance, the school-age children are cared for in an area physically separated from younger children.

31.0 Substitutes, Volunteers, and Contracted Special Services Persons

- 31.1 A licensee shall ensure that a substitute or volunteer may be 15 years old only if they are attending a vocational or technical high school's three-year program in early childhood education or a traditional high school's career pathway program in early childhood. Documentation proving enrollment and attendance in the programs shall be on file at the center.
- 31.2 Substitutes
 - 31.2.1 A licensee shall have substitute staff that are at least 16 years of age, including documentation of their qualifications to fill a particular position during the absences of permanent staff if left alone with children.
 - 31.2.2 A substitute who is not fully qualified shall be allowed to count toward staff/child ratio and must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times. When the position of early childhood administrator or early childhood curriculum coordinator, if applicable, is vacant for 30 days or more, a substitute or person filling that role must be qualified for and function in the designated position.
- 31.3 Volunteers

- 31.3.1 ~~Volunteers without a complete personnel file may not be alone with children and must always be supervised by at least the designated early childhood teacher or designated school-age site assistant who has been assigned responsibility for the early care and education or school-age center. If working with children, volunteers must be under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times, including while transporting children or on field trips.~~
- 31.3.2 ~~A licensee shall ensure that volunteers are at least 16 years of age and counted for the purposes of staff/child ratios only when it is documented that they are fully qualified for the particular position in which they are volunteering.~~
- 31.3.3 ~~Volunteers providing unpaid services of less than five days or 40 hours a year shall not be required to have background checks and may never be alone with children. Volunteers providing unpaid services of more than five days or 40 hours a year are required to have background checks.~~
- 31.3.4 ~~Volunteers working as part of an institution of higher education's degree-granting program and assigned to an early care and education and school-age center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the center. A complete file is not required.~~

31.4 Contracted Special Services Persons

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

32.0 Annual Training

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

33.0 Annual Professional Development Plan

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

34.0 First Aid and CPR Training

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

35.0 Parents/Guardians Communication

- 35.1 A licensee shall have and follow an organized system of respectful communication with parents/guardians that incorporates the use of written policies in a handbook that is provided to a parent/guardian at enrollment that includes:
 - 35.1.1 Assurances that parent's/guardian's visits and monitoring of the program are welcomed and permitted without prior approval of the center;
 - 35.1.2 Assurances of nondiscrimination based on sex, race, religion, cultural heritage, disability, marital status, economic status, or other protected class;
 - 35.1.3 A statement of the center's developmental and educational goals for all children as stated in Subsection 66.2 including procedures for ensuring that the parent/guardian is kept regularly informed concerning the program and their child's developmental and educational progress including a minimum of one annual conference between center staff and the parent/guardian;
 - 35.1.4 Information about procedures used by the center to assess children's accomplishments and needs and, when there are concerns, to refer the parent/guardian for additional help in the community;
 - 35.1.5 Upon request, a procedure for informing the parent/guardian of the identities of the governing body members and owners, as applicable;
 - 35.1.6 A procedure encouraging the parent/guardian to review current licensing regulations that are made available at the center;
 - 35.1.7 A procedure for making and handling complaints from the parent/guardian regarding the center;
 - 35.1.8 A typical daily schedule of the center's programs and activities;
 - 35.1.9 A written explanation of the center's policy on positive behavior management, food and nutrition services, safety and sanitation, physical activity, screen time, photographing or videotaping children, and transporting children, as applicable;
 - 35.1.10 Procedures related to release of children;
 - 35.1.11 A copy of the center's routine and emergency health care plan including health exclusions, written notification of an outbreak of a communicable disease, and administration of medication;
 - 35.1.12 Procedures to regularly report accidents or critical incidents involving the child and other important information relating to the child;
 - 35.1.13 A written explanation of the mandatory reporting of child abuse and neglect; and
 - 35.1.14 Procedures stating that written permission from the parent/guardian is required before disclosing or using a child's written, electronic, or digital information except in the performance of official duties by employees of the OCCL or other entities with statutory responsibilities for issues relating to the health, safety, and well-being of children.
 - 35.1.15 A licensee shall ensure that staff create and use a written transition plan when admitting a child new to the center or when moving a child permanently from a particular group or room. The parent/guardian shall be informed in advance of a permanent change in the placement of a child.

PART III PHYSICAL ENVIRONMENT AND SAFETY

36.0 General Safety Practices

- 36.1 ~~A licensee shall show evidence of security procedures that ensure access to children is limited to authorized people.~~
- 36.2 ~~A licensee shall ensure that every building or part thereof that is used as a center, is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local and municipal regulatory bodies with written certification of compliance from the appropriate regulatory bodies governing zoning, building construction and safety, sanitation, and fire safety.~~
- 36.3 ~~A licensee shall maintain all areas of the center in a clean, safe condition free from hazards. This includes floors, walls, counter surfaces, toilets, or any rough surfaces or finishes that may present a hazard to health and safety.~~
- 36.4 ~~A licensee shall ensure that all structures, fences, equipment, and grounds are maintained in a clean, safe condition so as to be free from hazards to health and safety, including appropriate lighting of outdoor areas that are used while it is dark. Grounds shall drain either naturally or through installed drainage systems so there is no standing drainage water on the premises. All areas at the center determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets or roads, driveways, railroad tracks, or parking lots shall be fenced off or have natural barriers to protect children.~~
- 36.5 ~~A licensee shall ensure that the center is free of hazardous materials and shall maintain evidence that, if the building were constructed in or before 1978, the center has been tested for and found to be free of lead-based paint hazards. Buildings constructed after 1978 are exempt from lead-paint testing.~~
- 36.6 ~~A licensee shall ensure that the temperature of the water from all water faucets and other sources accessible to children in care not exceed 120° F. All sinks shall supply hot and cold water under pressure at all times and all plumbing shall comply with State and local plumbing codes. Water supply and the sewage disposal shall be approved by the Division of Public Health and the Department of Natural Resources and Environmental Control, respectively. Portable sinks are prohibited.~~
- 36.7 ~~In areas accessible to children, only containers designated for clean, recyclable paper may be present without a cover. A licensee shall ensure that garbage and trash are stored securely in non-combustible, covered containers. Indoor containers shall be emptied at least daily to an outdoor receptacle and kept clean. Outdoor trash/garbage containers shall be inaccessible to children, emptied at least weekly, and, with the exception of dumpsters, cleaned as needed.~~
- 36.8 ~~A licensee shall ensure that containers of poisonous, toxic, or hazardous materials are prominently and distinctly marked or labeled for easy identification as to contents. These materials shall be used only in the manner and under the conditions that will not contaminate food or constitute a hazard to the children in care or to staff. These materials shall be stored in a locked storage space accessible only to authorized staff. Materials required for routine cleaning and maintenance shall be stored and used in a safe manner. The storage of flammable liquids and gases shall not be permitted in the center except as allowed by the Office of the Fire Marshal.~~
- 36.9 ~~A licensee shall ensure that porches and elevated walkways or surfaces of more than two feet in height have hazard-free barriers to prevent falls, and stairways, over four steps inside and out, have handrails at a maximum of 38 inches high and are safe for children and adults.~~
- 36.10 ~~A licensee shall ensure that every exit, exit access, and exit discharge is free of obstruction at all times. All closets shall be provided with doors that can be readily opened from both sides.~~
- 36.11 ~~A licensee shall ensure that glass door panels and windows within 36 inches of the floor have safety guards at children's eye level such as rails or mesh or be of safety-grade glass or polymer and equipped with a vision strip or decal.~~
- 36.12 ~~A licensee shall ensure that all buildings used by a center are rodent-free and free of insect infestation.~~
- 36.13 ~~An individual with current water safety instructor training or senior lifesaving training from the American Red Cross or its equivalent shall be on duty when the children in care are swimming. Portable wading pools shall be prohibited and permanent or built-in swimming and wading pools that are left filled when not in use shall be inaccessible to children.~~
- 36.14 ~~A licensee shall ensure that a center has child-proof receptacle covers in electrical outlets accessible to children including power strips not in use, or has electrical outlets that are of the child-resistant ground-fault circuit interrupter or GCFI type.~~
- 36.15 ~~A licensee shall ensure that a center is ventilated to ensure that the air quality within the center provides a healthy environment for children and adults. Insect screening in good repair shall be used for all exterior doors and operable windows when the doors and windows are used for ventilation, provided that all requirements for fire safety have been met. If a ventilation system is not provided, a center shall have window area equal, at a minimum, to 4.5% of the floor area of the center. Half of this window area shall be operable.~~

- 36.16 A licensee shall ensure that heating and cooling equipment, hot water pipes, or radiators are safely shielded or insulated to prevent the injury of children.
- 36.16.1 Heating, cooling, and plumbing equipment shall be properly installed, cleaned, and maintained to operate safely.
- 36.16.2 Floor or window fans must be inaccessible to children and bear the safety certification mark of a recognized testing laboratory such as Underwriters Laboratories or Electro-Technical Laboratory.
- 36.17 A licensee shall ensure that room temperatures in rooms used by the children are maintained at a minimum temperature of 68° F and a maximum of 82° F measured three feet above floor level unless there is conflict with federal and State energy laws. Portable space heaters shall be prohibited. For a center licensed after January 1, 2007, air conditioning shall be used during hot weather to keep rooms used by children at a comfortable temperature. Except as provided below, a center shall be required to inform the OCCL and close temporarily if the minimum or maximum room temperature cannot be maintained. If room temperature is above 60° F and below 90° F, a center shall restore room temperature to above 68° F and below 82° F within the next 4 hours.

37.0 Smoking Prohibited

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

38.0 Indoor Space

- 38.1 A center shall have sufficient natural and artificial lighting to allow for the supervision of the children and provide illumination of at least 30 foot candles at floor level in areas where children's activities occur.
- 38.2 A licensee shall ensure that interior space designated for the use of children is available to children when the center is in operation and is arranged to allow each child adequate space for free movement and active play. A center shall have at least 35 square feet for each child in each area or room used by children. Measurements shall be from wall to wall on the inside. Toilet rooms, kitchen areas, isolation areas for ill children, offices, storage spaces, hallways, furnace rooms, gymnasiums, and other areas not used as classroom space shall not be counted in determining a center's capacity.
- 38.3 A licensee shall provide children with individual storage space, labeled with their name, for personal belongings so that clothing or bedding used by a child does not come into contact with that used by other children.

39.0 Area for Children Who Become Ill

- 39.1 A licensee shall ensure that a center has a separate area, not located in the kitchen or toilet area, where children who are exhibiting illnesses or symptoms requiring exclusion from the center are cared for until they can be removed from the center or are determined to pose no risk to themselves or others.
- 39.2 The separate area shall be furnished with rest equipment provided with clean bedding.
- 39.3 The child's individual needs for rest, comfort, food, drink, and activity shall be met until the child can be picked up by a parent/guardian or it is determined by a health care provider/consultant that the illness or symptoms pose no serious health risk to the child or to other children.
- 39.4 All items used by an ill child, including rest equipment, bedding, utensils, and toys shall be cleaned with soap and water and disinfected before being used by another child.

40.0 Outdoor Climate and Space

- 40.1 Weather permitting, a licensee is required to provide daily opportunities for outdoor play when the wind chill factor is 32°F or higher or the heat index is 80°F or lower and the weather and environmental conditions do not pose a significant health or safety risk. Outdoor play during periods outside this temperature range shall be at the discretion of the provider, unless the National Weather Service (www.weather.gov) has issued an advisory regarding health or safety risks for the local area. Children shall be appropriately dressed for the weather.
- 40.2 A licensee shall maintain or have access to an outdoor play area with at least 75 square feet for each child for the maximum number of children who will use the playground at one time with a space suitable for gross motor moderate to vigorous physical activities, including running. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time.
- 40.3 A licensee shall ensure that the outdoor play area for school-age children is physically separated or used at separate times from the area provided for younger children.

- 40.4 A center licensed before the effective date of the January 1, 2007, regulations shall maintain or have access to an outdoor play area with at least 50 square feet for each child for the maximum number of children who will use the playground at one time. The outdoor play area shall be large enough to accommodate at least 1/4 of the licensed capacity of the center at one time. If the capacity of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the outdoor play area is in compliance with these regulations.
- 40.5 A licensee shall ensure that the outdoor play area is situated adjacent to or within close proximity to the center, is available daily to the children by a safe route, and has a shaded rest area for children. Staff shall inspect outdoor areas before children begin to play to ensure there are no hazards present and play equipment is safe for use. Outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner including being covered when not in use. Use of trampolines is prohibited.
- 40.6 A licensee shall ensure that the center's outdoor play areas are fenced. Use of parks or other off-site play areas that are not fenced and used to comply with the outdoor space regulations requires OCCL approval. Fencing shall be sturdy, safe, and reinforced at intervals so as to give support, constructed to discourage climbing, and not prevent observation of children by staff and shall be a minimum of four feet in height with openings no larger than 3½ inches. Fenced areas shall have at least two exits, with at least one being remote from the building. Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or of a type that small children cannot open it.
- 40.7 For a center licensed before the effective date of the January 1, 2007, regulations, the existing fencing shall be acceptable as long as it is safe, free from hazards, and in good repair. When the fencing is replaced, the new fencing shall fully comply with these regulations.
- 40.8 A licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zones of climbing equipment, slides, swings, and similar equipment is of approved resilient material which absorbs falls. The fall zone depth and materials shall follow the instructions as listed in the most recent publication of the U.S. Consumer Product Safety Commission's or CPSC *Handbook for Public Playground Safety* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/cpscpub/pubs/325.pdf>). All materials used for protective surfaces shall be of a size that prevents choking and all surfaces of the outdoor play area shall be made of materials that do not present a safety or choking hazard. Only pea gravel shall be acceptable as cover for the outdoor play area if using a gravel or stone-like surfacing. Protective surfaces of the fall zone shall extend at least six feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar unless otherwise directed by the CPSC or other recognized authority on playground safety.

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

- 40.9 Outdoor play equipment must be securely anchored unless portable by design, in good repair, and placed with regard for safe use and include equipment for vigorous play and large muscle activity with attention to the needs of the diversity of children served and their abilities to participate.
- 40.10 When a licensee can demonstrate that the outdoor space regulation cannot be met, the licensee shall provide at the site of the center, in addition to the indoor space required by these regulations, a minimum of 700 square feet of open, accessible indoor play space for large muscle activity. The licensee shall have and follow a written plan approved by the OCCL which specifies how large muscle activity will be provided.
- 40.11 For a center licensed before the January 1, 2007, regulations, the indoor space as indicated in these regulations may be at a nearby facility that was previously used and approved by the OCCL unless the capacity of the center increases or the physical plant of the center changes, allowing room for an indoor play space.
- 40.12 A licensee shall ensure that a roof-top or elevated play space above the first floor is protected by a non-climbable, secure, and hazard-free barrier that is at least seven feet in height.

41.0 Riding Toys

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

42.0 Sleeping Accommodations

- 42.1 A licensee shall ensure that the program provides physical care routines including opportunities for rest/sleep for each child in attendance appropriate to each child's individual physical needs. Rest or sleeping equipment shall meet the safety standards required by the U.S. Consumer Product Safety Commission or other recognized authority approved by the OCCL and maintained in a safe condition. The rest area shall be lighted enough to allow for visual supervision. An alternative quiet activity shall be provided for those children who have rested or slept for 30 minutes and do not seem to need or want additional rest or sleep.
- 42.2 A licensee shall ensure that each child, except school-age children who do not sleep at the center, has clean, safe, age-appropriate individual rest equipment such as a crib, playpen, pack-and-play (without ripped mesh), cot, bed, or mat and permitted bedding. A child's rest equipment shall be labeled with the child's name or assigned chart number and used only by that child while attending the program. Chart numbers and assignments shall be documented, kept current, and available for review.
 - 42.2.1 Mattresses and sleeping equipment shall be covered with non-absorbent, cleanable coverings. Seasonably-appropriate top and bottom coverings, such as sheets and blankets, shall be provided for each child over the age of one year. Sheets and blankets or other bedding shall be cleaned at least weekly and when soiled or wet. A tight-fitting bottom mattress sheet is required for infants.
 - 42.2.2 Cots, mats, and crib mattresses shall be cleaned with soap and water and sanitized at least weekly and when soiled or wet. Rest equipment and bedding shall be cleaned and sanitized before being assigned to another child. Sleeping mats shall be stored so there is no contact with the sleeping surface of another mat or disinfected after each use.
 - 42.2.3 Each child under 18 months of age and not walking shall sleep in a crib, playpen, or pack-and-play. A child who is between 12 and 18 months of age and is walking may sleep on a cot, bed, or mat and permitted bedding with written permission from the child's parent/guardian.
- 42.3 A licensee shall ensure that cribs and other rest equipment are placed at least 1½ feet apart while in use.
- 42.4 Safe Sleep Practices for Infants and Sudden Infant Death Syndrome or SIDS/Suffocation Risk Reduction
 - 42.4.1 Cribs must meet the current standards of the U.S. Consumer Product Safety Commission or other safety authority recognized by the OCCL.
 - 42.4.2 Cribs shall not be stacked while in use.
 - 42.4.3 Crib mattresses shall be firm and tight-fitting with a tight-fitting bottom sheet only. Pillows, bibs, blankets, bumper pads, cloth diapers other than those worn by an infant, comforters, flat sheets, quilts, sheepskin, sleep-positioning devices (except as described in Subsection 42.5), stuffed toys, top sheets, and other items (except a pacifier, if used) are prohibited in a crib. Toys or objects attached to sleeping or rest equipment are prohibited.
 - 42.4.4 Soft surfaces such as soft mattresses, pillows, sofas, and waterbeds are prohibited as infant sleeping surfaces.
 - 42.4.5 Swaddling of infants requires written parent/guardian consent. The use of blankets for swaddling shall not be used when laying an infant down to sleep; swaddle blanket sleepers may be used.
- 42.5 Infants shall sleep only in cribs, playpens, or pack-and-plays and be placed on their backs when laid down to sleep or in accordance with the recommendations of the American Academy of Pediatrics. An exception may be granted if the infant's health care provider documents in writing that the infant's physical or medical condition requires an alternative sleeping position or use of a sleep-positioning device. The health care provider must stipulate the specific sleeping position in which that infant must be placed or stipulate the sleep-positioning device and how it shall be used.

43.0 Toilet Facilities

- 43.1 A licensee shall ensure that a center has enclosed toilet rooms inside the building on each floor where child care has been approved. Each toilet room shall have at least one sink with warm running water and one

operable window or ventilation fan. All door locks, if present, must be designed to permit staff to open the locked door readily.

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

| Ages of Children | Ratio of Number of Toilets to Number of Children^{1,2} |
|---|---|
| 24 Months through preschool | 1:10 |
| School-age | 1:25 |
| ¹ Urinals may be counted as half of a toilet for the purposes of this calculation if placed at a height as to be accessible to the age and size of the population served, provided the population served includes a significant number of males, and that a minimum of two flush toilets are available and accessible to both males and females. | |
| ² Staff shall be counted at the school-age ratio in determining the number of toilets if the center does not provide separate toilet facilities for staff. | |

- 43.3 A licensee shall ensure that a center serving only children less than 24 months of age has at least one toilet and sink when fewer than 20 children are served and at least two toilets and sinks when more than 20 children are served.
- 43.4 For a center licensed before the effective date of the January 1, 2007, regulations, the existing number of toilets and sinks shall be acceptable as long as the conditions of the original Environmental Health plan approval continue to be met. If the capacity or physical plant of a center licensed before the effective date of the January 1, 2007, regulations increases, the licensee shall be required to ensure that the toilets and sinks are in compliance with these regulations.
- 43.5 A licensee shall ensure that potty chairs are not substituted for toilets and, if used, are placed in the toilet room. Potty chairs, when used, shall be constructed of plastic or other non-porous material and be cleaned with soap and water and sanitized after each use in accordance with these regulations.
- 43.6 A licensee shall provide liquid soap, toilet paper, and single service towels or a mechanical hand-drying device in the toilet rooms and make them accessible to the children.
- 43.7 A licensee shall ensure that toilet rooms are maintained in a sanitary condition and cleaned daily or more frequently if needed. All surfaces in a toilet room shall be smooth, cleanable, and non-absorbent.

44.0 Sanitation

- 44.1 A licensee shall ensure that areas and equipment specified in Subsection 44.2 are washed with soap and water, and then disinfected as required. Because of the variety of products and strengths available, providing a generic bleach and water dilution ratio for sanitizing and disinfecting is no longer possible. An EPA-registered product or other commercially prepared product for sanitizing and disinfecting shall be used following the manufacturer's instructions including dilution and contact time. These products and their instructions for use shall be available at all times.
- 44.2 A licensee shall ensure that staff wash with a soap and water solution and then disinfect the following equipment, items, or surfaces, as indicated below:

| After Each Use | At Least Daily |
|--|--------------------------------------|
| Potty chairs which have first been emptied into a toilet | Toilet and toilet seats |
| Sinks and faucets used for hand washing after the sink has been used for rinsing a potty chair | Sinks and faucets |
| Diapering surfaces, as required in Subsection 47.4 | Diaper pails and lids |
| Food preparation and eating surfaces such as counters, tables, and high chair trays | Drinking fountains |
| Toys mouthed by children | Water table and water play equipment |
| Mops used for cleaning shall be rinsed, disinfected, wrung dry, and hung to dry | Play tables |

| | |
|--|---|
| Plastic bibs (cloth bibs maybe used only once before laundering) | Rest mats that are not stored separately as specified in these regulations |
| Thermometers | Cleanable, non-absorbent activity mats such as those used for infant tummy time |
| | Smooth surfaced non-porous floors |

45.0 Hand Washing

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

| 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 |

46.0 Standard Precautions

- 46.1 A licensee shall employ standard precautions for protection from disease and infection. Staff involved in cleaning contaminated surfaces shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces.
- 46.2 Spills of vomit, urine, and feces on a surface including the floors, walls, bathrooms, tabletops, toys, and diaper-changing tables shall be immediately cleaned with soap and water and then disinfected.
- 46.3 Non-porous gloves shall be used for spills of blood or blood-containing body fluids and injury and tissue discharges on a surface, which shall be immediately cleaned with soap and water and then disinfected. Blood-contaminated material and diapers shall be disposed of in a sealed plastic bag with a secure tie.

47.0 Diapering

- 47.1 A licensee shall have and follow an established procedure for checking diapers for wetness and feces at least hourly, visually inspecting at least every two hours, and whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. Diapers and other clothing shall be changed when they are found to be wet or soiled. Diaper changes shall be documented for infants. Soiled or wet clothing shall be changed and placed in a sealed plastic container or bag labeled with the child's name and returned to the child's parent/guardian at the end of the day.
- 47.1.1 The licensee shall ensure that a supply of clean diapers and extra clothing are available for each child either by providing them directly or requiring the parent/guardian to provide.
- 47.1.2 The licensee shall ensure that soiled non-disposable diapers are not emptied or rinsed and are placed in a sealed plastic container or bag separate from a child's wet or soiled clothing, labeled with the child's name, and returned to the child's parent/guardian at the end of the day.
- 47.2 A licensee shall ensure that a center has a diaper-changing area with a clean, washable, and non-absorbent surface that shall not be located in the kitchen area. Disposable covers for the diaper-changing area shall be used for each diaper change. There shall be a separate hand-washing sink with running warm water within five feet of the changing area that is cleaned with soap and water and disinfected before food preparation.

- 47.3 A licensee shall ensure that used disposable diapers are placed in a foot-activated container that is used exclusively for diapers, lined with a leak-proof or impervious liner, within arm's reach of the changing area, inaccessible to children, and sanitized daily. Diapers shall be removed from the center daily or more frequently if needed to prevent accumulation of odors, and placed in a closed container that is outside the building and used for trash collection.
- 47.4 A licensee shall have and follow an established procedure for changing diapers that is posted in the diaper changing area and includes at least the following items:
 - 47.4.1 The licensee shall ensure that staff members use a diaper-changing area and dispose of disposable diapers and disposable covers in accordance with these regulations;
 - 47.4.2 The licensee shall ensure that staff members wash and dry each child during each diaper change with an individual disposable sanitary wipe or single service washcloth and wash their hands and the hands of the child with soap and water immediately after each diaper change; and
 - 47.4.3 The diaper changing area shall be cleaned with soap and water and then sanitized with a disinfectant solution after each use in accordance with these regulations and the manufacturer's instructions.

48.0 Food Service and Preparation

- 48.1 On request by the OCCL, a licensee shall contact the Division of Public Health before opening a center to determine whether the center requires a Food Establishment permit.
- 48.2 A licensee of a center that conducts a food operation which does not require a Food Establishment permit shall not change that type of food operation to one which requires a Food Establishment permit, except as approved by the Division of Public Health.
- 48.3 A licensee shall ensure that a kitchen or food preparation area is provided with the necessary operable equipment to prepare, store, serve, and clean up all meals and snacks for children and staff. A center that does not prepare food on-site is exempt from Subsection 48.3. There can be no food preparation in the facility and all utensils and dishware must be single service and discarded after each use. The minimum kitchen requirements for all centers that prepare meals or snacks are:

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

- 48.4 A licensee shall ensure that floors, walls, and counter surfaces that food comes in contact with are easily cleanable and waterproof.
- 48.5 A licensee shall ensure that a center has refrigeration with sufficient capacity to keep perishable food, including lunches prepared at home, cold to 40° F or colder, and food stored in a freezer frozen at 0° F or colder. A working thermometer shall be in all refrigerators, freezers, and freezer compartments. Freezer compartments in mini-refrigerators that are not used are excluded from this regulation.
- 48.6 A licensee shall ensure that all food provided and prepared by the center and then served to children by a center complies with the center's written policy on nutritional quality, is clean, wholesome, free from spoilage and contamination, correctly labeled with contents and date of preparation, and safe for human consumption. Storage areas for food shall be cleanable and free of food particles, dust, and dirt. All food items shall be stored off the floor, separate from cleaning materials, and in closed or sealed containers that are labeled with contents and expiration date.
- 48.7 A licensee shall ensure that the kitchen or food preparation area is constructed and supervised to prevent access by children unless staff is conducting a specific supervised educational activity within the kitchen or food preparation area.

49.0 Emergency Planning

- 49.1 ~~A licensee shall have and follow a written emergency plan describing procedures for both natural and man-made disasters. The emergency plan shall include procedures for training staff for both natural and man-made disasters in at least the following areas:~~
- 49.1.1 ~~Disaster preparedness;~~
 - 49.1.2 ~~Staff's specific responsibilities during a disaster;~~
 - 49.1.3 ~~Accounting for children and staff;~~
 - 49.1.4 ~~Relocation process (if appropriate);~~
 - 49.1.5 ~~Communication and reunification with families;~~
 - 49.1.6 ~~Accommodations of infants, toddlers, and children with disabilities or chronic medical conditions;~~
 - 49.1.7 ~~Continuation of child care services in the period following the emergency disaster.~~
 - 49.1.8 ~~Contacting appropriate emergency response agencies and the parents/guardians; and~~
 - 49.1.9 ~~Lock down procedures.~~
- 49.2 ~~Monthly evacuation drills shall be practiced from all exit locations at varied times of the day and during varied activities including nap time. Evacuation routes and a written evacuation plan of the center shall be posted in each room that the children use. Each drill shall be documented and include:~~
- 49.2.1 ~~The date and time of day of the drill;~~
 - 49.2.2 ~~Number of children and staff members who participated;~~
 - 49.2.3 ~~Exits used; and~~
 - 49.2.4 ~~Total amount of time necessary to evacuate the center.~~
- 49.3 ~~A licensee shall develop and follow a written plan describing procedures to shelter-in-place (stay indoors) at the child care center for up to 24 hours due to a natural or man-made disaster that includes a list of emergency supplies including having a sufficient quantity of non-perishable foods, bottled water, and equipment necessary to serve or prepare foods at the center without the use of electricity and have and follow procedures for feeding children and staff during the extended stay at the center.~~

50.0 Firearms

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

51.0 Pets

~~A licensee shall ensure that a pet kept by or located in the center is cared for in a safe and sanitary manner and that proof of vaccination as prescribed by State law is maintained on site (currently this includes rabies vaccinations for dogs and cats). Poisonous or aggressive animals or animals that are known to be carriers of illnesses such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds or birds of the parrot family, or are sick with a disease that can be spread to humans may not be kept or brought into the center.~~

52.0 Telephones

- 52.1 ~~A licensee shall ensure that a center has a working, publicly listed telephone with an operating voice mail feature that allows a caller to leave a voice mail message. Changes to the phone number shall be provided to the parent/guardian, staff, and the OCCL within one business day.~~
- 52.2 ~~A licensee shall post emergency telephone numbers by telephones accessible to staff for ambulance or emergency medical services, police, fire departments (911), Poison Control Center, and 24-Hour Child Abuse Report Line (currently listed as 1-800-292-9582).~~

53.0 Transportation

- 53.1 ~~A licensee of a center that provides transportation for children shall ensure that the operator when employed by the center and the vehicle when owned or leased by the center and used to transport children, are in compliance with all applicable federal, State, and local laws and that children are transported in compliance with all applicable laws including State and federal child restraint laws. The operator of a vehicle transporting children for a center shall be at least 21 years of age, have a valid driver's license that authorizes the driver to operate the vehicle being driven, and a background check confirming suitability to be alone with children for routine transportation. The operator of the vehicle does not need to be qualified by Delaware First. The driver shall not transport more people, including children and adults, than the capacity of the vehicle. Use of a 12-15-~~

passenger van to transport children is prohibited unless purchased or leased by the facility before July 1, 1998. Official proof of purchase or lease is required.

- 53.2 A licensee shall develop, follow, and inform the parent/guardian of the center's written transportation policy that complies with current federal, State, and local laws regarding transportation of children and ensures that each child is secured at all times in an individual safety restraint system that is properly installed and appropriate to the age, weight, and height of the child while the vehicle, other than a school bus, is in motion. This policy shall have procedures that are followed to ensure that children are released only to people authorized by the parent/guardian and never left unattended in a vehicle used by the center. If a school bus is used for transportation, a child preschool-age or younger shall be transported only when the bus is properly equipped with child safety restraints. An exception may be made when written permission is received from the parent/guardian stating that he/she has been informed that the National Highway Traffic Safety Administration recommends that children in this age group always be transported in school buses properly equipped with child safety restraints and that he/she gives permission allowing the child to be transported on a school bus unrestrained.
- 53.3 A licensee shall ensure that a vehicle used to transport children shall:
- 53.3.1 Have and use an operable heater capable of maintaining a temperature of at least 50° F in the vehicle;
 - 53.3.2 Have and use air conditioning to reduce the interior temperature of the vehicle when it exceeds 85° F (school buses are exempt from Subdivision 53.3.2);
 - 53.3.3 Have a working telephone;
 - 53.3.4 Have a traveling first aid kit;
 - 53.3.5 Load and unload children at the curbside of the vehicle or in a protected parking area or driveway;
 - 53.3.6 Have locked doors, except for emergency doors which are required to remain unlocked, whenever the vehicle is in motion; and
 - 53.3.7 Have a dry chemical fire extinguisher approved by Underwriter's Laboratory.
- 53.4 A licensee shall obtain written permission from the parent/guardian for all transportation provided by the center. A licensee shall document arrangements with the parent/guardian and the child's school regarding transportation provided by the licensee to and from the child's school. A licensee shall inform the parent/guardian of the identity of each vehicle's operator or transportation company and require the parent/guardian to specify a special need or problem of the child which might require special attention during transportation.

54.0 Field Trips and Program Outings

- 54.1 A licensee shall have and follow a plan for field trips or routine program outings that includes procedure(s) documenting that all children are accounted for at all times and documenting the transportation of children in the event of an emergency. Medical consent forms and emergency contact information for all children, a traveling first aid kit as described in these regulations, and a working telephone shall accompany staff and children on any trip or outing. Children shall have tags or other means of providing the center's name and telephone number.
- 54.2 A licensee shall ensure that during field trips or routine program outings, the staff/child ratio is maintained in accordance with Subsection 54.3.
- 54.2.1 For a routine program outing where children are always contained in a buggy/stroller, classroom ratios shall be maintained in accordance with Section 30.0.
 - 54.2.2 Volunteers shall count toward the staff/child ratio for field trip or routine program outing purposes only if not accompanied by other children of any age who are not enrolled at the center.
- 54.3 Staff/Child ratio for field trips and routine programs outings:
- 54.3.1 A licensee shall ensure that during field trips or routine program outings that do not require the use of vehicles and are in close proximity, a licensee maintains the following staff/child ratios with a minimum of two staff members present at all times except when the children are school-age:

| | Age of Child | Minimum Staff/Child Ratio |
|-----------------------|----------------------|----------------------------------|
| Infant | Under 12 months | 1:2 |
| Young toddler | 12 through 23 months | 1:4 |
| Older toddler | 24 through 35 months | 1:6 |
| Young preschool child | 36 through 47 months | 1:8 |

| | | |
|-----------------------|---|------|
| Older preschool child | 48 months or older and not yet attending kindergarten or higher | 1:10 |
| School-age child | Attending kindergarten or higher | 1:15 |

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

55.0 Health Care Consultation

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

56.0 Child Health and Well-Being

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

57.0 Child Health Appraisal

57.1 A licensee shall ensure that within one month following admission, the licensee has on file an age-appropriate health appraisal including a record of administered immunizations conducted within the last 12 months before admission for each child in attendance unless required by law to be admitted without a health appraisal such as specified in the McKinney-Vento Homeless Assistance Act or applicable federal, State, and local laws and regulations. Health appraisals and immunization records shall be certified by a health care provider and updated within 13 months or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

57.1.1 A health history and physical examination including growth and development and documentation of the results of recommended or required screening/testing such as for blood lead or tuberculosis; and

57.1.2 Recommendations regarding required medication, restrictions, or modifications of the child's activities, diet, or care and medical information pertinent to treatment in case of emergency.

57.2 A licensee shall ensure that for children in grades kindergarten or higher, a copy of the school-age health appraisal must be on file at the center within 30 days of the child's enrollment or participation in the center as a school-age child. A school-age health appraisal does not need to be updated yearly.

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

58.0 Observation

A licensee shall ensure that each child is observed on arrival by a staff member trained in recognizing common signs of communicable disease, physical injury, other evidence of ill health as listed in Section 59.0, and signs of child abuse or neglect. Specific concerns and observations as well as the steps taken to assist the child shall be documented in written form and maintained in the child's file. A person who suspects child abuse or neglect shall make a report to the Child Abuse Report Line.

59.0 Health Exclusion

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

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

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

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

- 59.1.4 ~~Uncontrolled diarrhea; that is, increased number of stools, increased stool water, and/or decreased form that is not contained by the diaper until diarrhea stops; if diarrhea is accompanied by fever, exclude for 48 hours following resolution of symptoms;~~
- 59.1.5 ~~Blood in stools not explainable by dietary change, medication, or hard stools;~~
- 59.1.6 ~~Vomiting illness of two or more episodes of vomiting in the previous 24 hours or one occurrence if accompanied by a fever until 48 hours following resolution of the symptoms or until a health care provider determines the cause of the vomiting is not contagious and the child is not in danger of dehydration;~~
- 59.1.7 ~~Persistent abdominal pain (continues more than two hours) or intermittent pain associated with fever or other signs or symptoms;~~
- 59.1.8 ~~Mouth sores with drooling, unless a health care provider determines the condition is noninfectious;~~
- 59.1.9 ~~Rash with fever or behavior change, until a health care provider determines these symptoms do not indicate a communicable disease;~~
- 59.1.10 ~~Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until 24 hours after antibiotic treatment has been initiated;~~
- 59.1.11 ~~Scabies, until 24 hours after treatment has been initiated;~~
- 59.1.12 ~~Pediculosis or head lice, until 24 hours after treatment has been initiated;~~
- 59.1.13 ~~Tuberculosis, until a health care provider states the child is on appropriate therapy and can attend care;~~
- 59.1.14 ~~Impetigo, until 24 hours after antibiotic treatment has been initiated and lesions are dry;~~
- 59.1.15 ~~Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;~~
- 59.1.16 ~~Varicella-Zoster or chicken pox, until all lesions have dried and crusted (usually six days);~~
- 59.1.17 ~~Shingles, only if lesions cannot be covered by clothing or a dressing; if not, exclude until lesions have crusted and are dry;~~
- 59.1.18 ~~Pertussis, until five days of antibiotic treatment;~~
- 59.1.19 ~~Mumps, until five days after onset of glandular swelling;~~
- 59.1.20 ~~Hepatitis A virus, until one week after onset of illness, jaundice, or as directed by the Delaware Division of Public Health when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;~~
- 59.1.21 ~~Measles, until four days after appearance of rash;~~
- 59.1.22 ~~Rubella, until seven days after appearance of rash;~~
- 59.1.23 ~~Herpetic gingivostomatitis or cold sores, if the child is too young to have control of oral secretions; or~~
- 59.1.24 ~~Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater care than can be provided without comprising the health and safety of other children.~~
- 59.2 ~~Temperatures for children under four years of age shall be taken using a non-glass thermometer by the axillary method or under the arm or by the temporal scanner thermometer or forehead scan. Oral temperatures may be taken on three and four year old children when a digital thermometer is used. Rectal and ear temperatures may be taken only by a licensed health care professional.~~
- 59.3 ~~A licensee shall ensure that if a child who has already been admitted to a center manifests illnesses or symptoms specified in these regulations, the licensee will remove the child from the group of well children to a separate area as described in Section 39.0.~~
- 59.4 ~~A licensee may permit a child to return to the center when the symptoms are no longer present, written documentation from the child's health care provider indicates the child has been diagnosed and the illness or symptoms poses no serious health risk to the child or to other children or the child does not present symptoms for exclusion as contained in the center's written health exclusion policy.~~
- 59.5 ~~A licensee shall report reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable diseases, the licensee shall contact the Division of Public Health or refer to the website currently listed as <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.~~
- 59.6 ~~A licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health, to be admitted to or remain at the center, unless written documentation from the child's health care provider states the child has been evaluated and the disease presents no risk to the child or to others or the licensee has reported the illness to the Division of Public Health and has been advised the child presents no health risk to others. If there is conflict in the opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the licensee shall follow the instructions of the Division of Public Health.~~

- 59.7 A licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the center in accordance with Division of Public Health procedures.

60.0 Administration of Medication

- 60.1 A licensee shall ensure that only trained staff members who are at least 18 years of age and authorized in accordance with State law, or health care providers, nurses, or other qualified medical health personnel administer medication to children in a center. Written permission from the child's parent/guardian for each medication to be administered is required. Unused medication shall be returned to the parent/guardian when no longer needed by the child.
- 60.2 A licensee shall ensure that the parent/guardian of a child provides the following information for each medication given:
- 60.2.1 The name and birth date of the child;
 - 60.2.2 Medication allergies;
 - 60.2.3 Doctor's name and phone number;
 - 60.2.4 Pharmacy name and phone number;
 - 60.2.5 Name of medication;
 - 60.2.6 Dosage (amount given);
 - 60.2.7 Time or frequency (when given);
 - 60.2.8 Route of administration (oral; eye, nose, or throat drops; topical);
 - 60.2.9 Medication expiration date;
 - 60.2.10 End date;
 - 60.2.11 Reason for medication; and
 - 60.2.12 Special directions.
- 60.3 A licensee shall ensure that all prescription medication is given as prescribed:
- 60.3.1 Stored securely and inaccessible to children;
 - 60.3.2 Refrigerated (if applicable) in a closed container separate from food;
 - 60.3.3 In its original container and properly labeled with directions for its administration;
 - 60.3.4 Current and not expired;
 - 60.3.5 Authorized by the child's health care provider; and
 - 60.3.6 Given only to the child whose name appears on the prescription in the manner and dosage specified in the instructions on the container.
- 60.4 A licensee shall ensure that all non-prescription medication is given as instructed:
- 60.4.1 Stored securely and inaccessible to children;
 - 60.4.2 Refrigerated (if applicable) in a closed container separate from food;
 - 60.4.3 In its original container, properly labeled with directions for its administration;
 - 60.4.4 Current and has not expired;
 - 60.4.5 Labeled with the child's name; and
 - 60.4.6 Given as specified in the instructions on the container unless otherwise specified in writing by the child's health care provider.
- 60.5 A licensee shall keep a written record of medication administered to children recorded on the Medication Administration Record or MAR including medication dosage, time administered, by whom administered, adverse effects observed, and medication errors (such as administering the wrong medication to a child, administering the wrong dose, failure to administer the medication, administering a medication to the wrong child, or administering the medication by the wrong route). Adverse effects or errors in administering shall be immediately reported to the parent/guardian. When known to the center, adverse effects or errors in administering medication that result in medical treatment shall be reported within one business day to the OCCL, followed by a written report within three business days. Documentation of the error or adverse effects shall be maintained in the child's file.
- 60.6 Documentation of administration of medication shall be placed in the child's file or in a central administration of medication log and kept while the child is enrolled in the center.

61.0 Child Accident and Injury

- 61.1 A licensee shall ensure that when an accident or injury occurs to a child during the hours of care, a center's staff member takes emergency action to protect the child from further harm, calls emergency medical services if needed, and notifies the child's parent/guardian.
- 61.1.1 For a serious or potentially serious injury, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child. A less serious accident or injury requires parent/guardian notification before releasing the child from care that day.
- 61.1.2 The licensee shall maintain a written injury report in the child's file or a central log for the center for each incident that includes the name of child, date of injury, description of injury, how it occurred, first aid or medical care provided, and parent/guardian/authorized release person signature.
- 61.1.3 The licensee shall maintain a written record for serious injuries of when the parent/guardian was notified or of attempts to notify the parent/guardian.
- 61.2 In the event of a significant child medical event, such as a seizure, asthma attack, or severe allergic reaction, the parent/guardian shall be notified immediately after center staff have taken appropriate emergency action to assist the child, including contacting emergency medical services as needed.
- 61.3 When known, the licensee shall report to the OCCL an accident or injury that results in death or medical/dental treatment other than first aid provided at the center of a child as described in Section 13.0.

62.0 First Aid Kits

A licensee shall have at least one complete first aid kit in a location readily accessible to staff but not to children. A first-

aid kit shall be taken on field trips/program outings. Contents of the first aid kit shall include but not be limited to:

| Items Required in Center First Aid Kits | Items Required in First Aid Kits Used on Field Trips/Program Outings |
|--|---|
| Disposable nonporous gloves | Disposable nonporous gloves |
| Scissors | Scissors |
| Tweezers | Tweezers |
| A non-glass thermometer to measure a child's temperature | A non-glass thermometer to measure a child's temperature |
| Bandage tape | Bandage tape |
| Sterile gauze pads | Sterile gauze pads |
| Flexible roller gauze | Flexible roller gauze |
| Triangular bandage or sling | Triangular bandage or sling |
| Safety pins | Safety pins |
| Eye patch or dressing | Eye patch or dressing |
| Pen/pencil and note pad | Pen/pencil and note pad |
| Instant cold pack | Instant cold pack |
| Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide | Current American Academy of Pediatrics or AAP standard first aid chart or equivalent first aid guide |
| Small plastic, metal, or wooden finger splints | Small plastic, metal, or wooden finger splints |
| Non-medicated adhesive strip bandages | Non-medicated adhesive strip bandages |
| Plastic bags for cloths, gauze, and other materials used in handling blood | Plastic bags for cloths, gauze, and other materials used in handling blood |
| | Bottled water |
| | Liquid soap |
| | Emergency medications needed |
| | List of emergency phone numbers Parents'/Guardians' home and work phone numbers, and the Poison Control Center phone number |

63.0 Food, Water, and Nutrition

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

- 63.2 A licensee shall have and follow a policy to address the needs of a child who is breastfed, including allowing a mother to breastfeed her child at a designated place in the center that is clean, removed from public view, and not located in a bathroom or kitchen.
- 63.3 A licensee shall ensure that appropriately-timed meals and snacks are served in accordance with the following schedule based on the number of hours the child is present at the center:

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

- 63.4 A licensee shall ensure that meals and snacks are provided by a center except when one of the following circumstances occurs:
- 63.4.1 A written statement has been signed by a parent/guardian and kept on file indicating that the parent/guardian has chosen to provide food for the child;
 - 63.4.2 The licensee makes it known to the parent/guardian at the time of application for enrollment that meals or snacks are to be provided by the parent/guardian and informs the parent/guardian of the importance of sending meals or snacks that meet the nutritional needs of children; or
 - 63.4.3 The center has a field trip or a specific activity requiring special meal arrangements.
- 63.5 A licensee shall encourage modeling of healthy eating practices by adults when eating with children.
- 63.6 A licensee shall ensure that staff responsible for food service has knowledge of nutrition, sanitary food preparation, storage, and clean-up, and adheres to the center's policy on food service. Staff responsibilities for food service activities shall not reduce staff/child ratios nor be allowed to interfere in other ways with the center's program or supervision of children while performing food service activities.
- 63.7 A licensee shall have and follow a written policy concerning food service that is provided to a parent/guardian at enrollment and when updated that includes:
- 63.7.1 An assurance that children are encouraged but not forced to eat;
 - 63.7.2 Approximate times of snacks and meals;
 - 63.7.3 Procedures to address food allergies (for foods provided by the center or parents/guardians);
 - 63.7.4 A description of which food services will be provided by the licensee or by a parent/guardian
 - 63.7.4.1 For meals or snacks provided by the center:
 - 63.7.4.1.1 Procedures to address religious dietary requirements and other dietary requests or restrictions; and
 - 63.7.4.1.2 The licensee's policy on whether additional servings of foods that meet the meal pattern requirements will be served to a child who is still hungry.
 - 63.7.4.2 For meals and snacks provided by a parent/guardian:
 - 63.7.4.2.1 Statements that meals or snacks shall be for the individual child and may not be shared;
 - 63.7.4.2.2 Statements that foods intended for regular consumption or celebratory occasions must be clean and safe and comply with the center's written policy concerning the content of foods provided by a parent/guardian;
 - 63.7.4.2.3 Written procedures to be followed to prevent spoilage of foods brought from home; and
 - 63.7.4.2.4 Statements and procedures that the center will follow to provide a meal or snack to a child who has not brought one or both.
- 63.8 A licensee shall ensure that meals and snacks provided by the center:
- 63.8.1 Are in accordance with the meal pattern requirements (see Appendix) which are adjusted according to the age of the infant and child;
 - 63.8.2 Shall consist of foods based on the basic food groups as follows:
 - 63.8.2.1 Milk: fluid pasteurized non-fat (skim) or low-fat 1.0% or 2.0% cow's milk for children over two years of age. Infants shall be fed formula or breast milk. Children one to two years of age shall be fed whole fluid pasteurized cow's milk when not on formula or breast milk;
 - 63.8.2.2 Proteins or meat alternate: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;

- 63.8.2.3 Fruits and vegetables: include a variety of fresh, frozen, and canned vegetables and fruits without added sugar; and
- 63.8.2.4 Grains or breads: whole grain and enriched products such as breads, cereals, pastas, crackers, and rice.
- 63.8.3 May include juice, if 100% unsweetened juice and not a juice drink or cocktail, is served;
- 63.8.4 May include powdered milk, if used only in cooking and not used as a substitute for fluid milk for drinking purposes;
- 63.8.5 Are planned in advance on a menu, dated, and posted in a prominent place.
 - 63.8.5.1 Menus noting actual food served shall be retained by the center for 30 days. Changes made in actual food served on a particular date shall be documented on the menu on or before that date.
 - 63.8.5.2 A sample two-week menu of meals or snacks shall be submitted with their renewal application.
- 63.9 A licensee shall ensure that special, therapeutic diets are prepared and served by center staff only upon written instructions by a health care provider. If a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a child's medical need such as food allergies or food intolerance, the parent/guardian shall provide the center with written documentation from the child's health care provider permitting the modification.
- 63.10 A licensee shall ensure that if a parent/guardian requests a modification of basic meal patterns (see Appendix) due to a family's food preferences or religious beliefs, the parent/guardian shall provide the center with written documentation specifying which foods are unacceptable and the food substitutions allowed.
- 63.11 Meal Components for Toddlers and Older Children
 - 63.11.1 A licensee shall ensure that a breakfast provided and served by a center has at least one age-appropriate serving-size item each from the milk, fruit and vegetable, and grain or bread food groups as described in the appendix.
 - 63.11.2 A licensee shall ensure that a lunch or dinner provided and served by a center has one age-appropriate serving-size item from each of the milk, meat or meat alternate, and grain or bread food groups and two items from the fruit and vegetable food group as described in the appendix.
 - 63.11.3 A licensee shall ensure that a snack provided and served by a center has at least one age-appropriate serving-size item from two of the food groups as described in the appendix. If milk or 100% juice is not included with a snack provided and served by the center, water shall also be served with that snack.
- 63.12 For foods prepared and served by the center, a licensee shall provide for the introduction of a variety of food textures, finger foods, and a cup and utensils as appropriate in the training of self-feeding and nutrition education.
- 63.13 A licensee shall ensure that each individual child has his or her own utensils such as a fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child, to eat with or be fed with. This equipment shall not be shared with another child during feeding. All single-service dinnerware or utensils provided by the center for meals or snacks shall be discarded immediately after use.

64.0 Feeding of Infants

- 64.1 A licensee shall ensure that foods and beverages provided to an infant are served on demand or during a span of time consistent with the infant's eating habits according to the following guidelines:
 - 64.1.1 A written statement specifying foods and beverages including specific formula or breast milk and a feeding schedule shall be obtained from the parent/guardian for each infant at least on a monthly basis. Staff shall be trained on the proper handling, storage, preparation, and feeding of breast milk and formula if applicable to their program; mixing formula with cereal, juice, or other food or beverage other than water in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification.
 - 64.1.2 A daily written record of each infant's nutritional intake shall be documented and provided to the parent/guardian daily. Feeding problems experienced by an infant shall be discussed with his/her parent/guardian before the infant's daily departure from the center; and
 - 64.1.3 An infant shall be held for bottle-feeding when too young to use a feeding chair or other age-appropriate seating apparatus. If an infant is able to hold a bottle and has established independence or a desire not to be held while fed, the infant shall be placed in a high chair or at a feeding table.
- 64.2 A licensee shall practice paced bottle-feeding or allowing the infant to take breaks at feedings. Infants shall be observed for signs of fullness and shall be allowed to stop a feeding when full unless written documentation from an infant's health care provider requires the feeding to continue;

- 64.3 ~~A licensee shall not feed formula to an infant exclusively receiving breast milk, without parent/guardian permission;~~
- 64.3.1 ~~A staff member shall not hold more than one infant at a time for bottle feeding;~~
- 64.3.2 ~~At no time shall an infant be placed in a crib or sleeping, resting, or relaxing equipment with a bottle for feeding nor may a bottle be propped for feeding an infant;~~
- 64.3.3 ~~Bottles and infant foods shall be warmed for no more than five minutes under running warm tap water or by placing them in a container of water that is no warmer than 120° F and shall not be warmed or thawed in a microwave oven. Bottles of breast milk shall be gently swirled to mix contents;~~
- 64.3.4 ~~For infants four to seven months of age, semi-solid foods may be introduced as requested by the parent/guardian and shall be required once an infant is eight months of age unless written documentation from an infant's health care provider permitting a modification is supplied;~~
- 64.3.5 ~~Foods for infants shall be a texture and consistency that promotes safe and optimal consumption and served from a dish unless the entire contents of the jar will be served. Introduction to all new foods and beverages shall be made only with the parent's/guardian's permission;~~
- 64.3.6 ~~Cow's milk shall not be served to infants;~~
- 64.3.7 ~~Bottles and nipples maintained by center staff shall be washed and sanitized before each use;~~
- 64.3.8 ~~Each infant's bottle shall be individually labeled with the infant's name and refrigerated immediately after preparation by center staff or on arrival if prepared by a parent/guardian;~~
- 64.3.9 ~~Unused bottles shall also be dated as to when prepared if not returned to the parent/guardian at the end of each day;~~
- 64.3.10 ~~Unused portions of formula or breast milk shall be discarded after each feeding that exceeds a period of one hour from beginning of feeding;~~
- 64.3.11 ~~Formula provided by parents/guardians or by the center shall come in a factory-sealed container;~~
- 64.3.12 ~~Refrigerated, unused, prepared formula shall be discarded after 48 hours;~~
- 64.3.13 ~~Breast milk shall be fed only to that mother's own infant. Frozen breast milk shall be thawed under running cold water or in the refrigerator, gently swirled to mix contents, not shaken, and used within 24 hours. Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been unrefrigerated for more than one hour. Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after 48 hours or by three months if frozen and stored in a freezer at 0° F;~~
- 64.3.14 ~~Juices may not be fed to infants until they are able to drink from a cup unless by written parent/guardian request; and~~
- 64.3.15 ~~Center staff shall encourage the use of a cup when a child is at least one year of age and is developmentally capable of drinking from or holding a cup.~~

PART IV EARLY CARE AND EDUCATION

65.0 Positive Behavior Management

- 65.1 ~~A licensee shall have and follow a written statement in plain language regarding the positive behavior management of children. The statement on positive behavior management shall be posted in a prominent place in the center and provided to a parent/guardian and staff.~~
- 65.2 ~~A licensee shall ensure that all staff use prevention strategies, appropriate redirection rather than restraint, and positive developmentally appropriate methods of behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility, and cooperation. Staff may not handle children roughly nor encourage or otherwise condone children hitting or disciplining each other. The center shall consult with professionals and with the parent/guardian to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need, including a behavioral or emotional disability.~~
- 65.3 ~~A licensee shall ensure that staff members model positive behavior management techniques and respectful communication interactions when relating to children, other staff members, parents/guardians, and visitors while at the center.~~
- 65.4 ~~"Time out", if used, shall be appropriate for the developmental age of the child, employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of behavior management, and not used with infants. "Time out" shall be limited to brief periods of no more than one minute for each year of a child's age. Before using "time out", the staff member shall discuss the reason for the "time out" in language appropriate to the child's level of development and understanding. A child removed from the group or room during a "time out" shall remain under direct visual supervision at all times and shall never be left unattended~~

behind closed doors. Before rejoining the group or at another appropriate time, staff shall talk to the child about alternatives to the inappropriate behavior in a way that encourages the child to make more positive decisions in the future.

- 65.5 A licensee shall ensure that the following actions are prohibited:
 - 65.5.1 Corporal punishment inflicted on a child's body including shaking, hair pulling, biting, pinching, slapping, hitting, kicking, or spanking;
 - 65.5.2 Yelling, humiliating, or frightening children;
 - 65.5.3 Physically or sexually abusing a child by staff;
 - 65.5.4 Making disparaging comments about a child's appearance, ability, ethnicity, family or other personal characteristics;
 - 65.5.5 Depriving children of food or toilet use as a consequence of inappropriate behavior;
 - 65.5.6 Tying, taping, chaining, caging, or physically or mechanically restraining a child;
 - 65.5.7 Punishing children for not going to sleep, a toileting accident, failure to eat all or part of food, or failure to complete a prescribed activity; or
 - 65.5.8 Withholding physical activity as punishment.

66.0 Program Goals and Planning

- 66.1 A licensee shall ensure that the program provides physical care routines (such as diapering/toileting and hand-washing) appropriate to each child's developmental needs.
- 66.2 A licensee shall develop written goals of what the center plans to accomplish for enrolled children's development and education. Goals shall include areas of physical, social-emotional, language/literacy, and cognitive development and be appropriate to the ages and developmental levels of the children in attendance at the center. The curriculum goals and program of daily activities for each group of children shall be implemented by an assigned staff member in the position of early childhood teacher, school-age site coordinator, early childhood assistant teacher, school-age site assistant, or early childhood caregiver with approval and monitoring by either the early childhood administrator, school-age administrator, early childhood curriculum coordinator, or school-age site coordinator when assigned this duty.
- 66.3 A licensee shall have and follow a written lesson plan of varied, developmentally appropriate activities designed to help all children preschool-age and younger reach the goals described in Subsection 66.2.
 - 66.3.1 The lesson plan shall be current and posted for easy reference by parents/guardians and staff.
 - 66.3.2 The lesson plan shall include at least one daily activity for each goal specified in Subsection 66.2. Activities that allow children to choose to participate with the whole group, part of the group, or independently shall be included.
 - 66.3.3 The plan shall reflect that the children have the choice to participate in at least four activities each day. The total time allotted for these activities shall be at least 1/3 of the time the child is in attendance for a particular day.
 - 66.3.4 Adaptations and accommodations of activities, adult-child interactions, teaching strategies, and materials or equipment shall be made as needed for children, including those with disabilities to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans.
 - 66.3.5 Lesson plans shall be based on best practices and accepted research in the field of early care and education and in alignment with principles and foundations of learning and development such as the *Delaware Early Learning Foundations: Preschool*, *Delaware Early Learning Foundations: Infant/Toddler* and also as set forth by the Delaware or United States Department of Education.
- 66.4 A licensee shall ensure that activities and materials reflect children's cultures and communities, including both familiar and new materials, pictures, and experiences.
- 66.5 A licensee shall develop and follow a schedule for each group of children that is posted for easy reference by parents/guardians and staff. The schedule shall show blocks of time, including periods for active and quiet play or rest; indoor and outdoor activities; and both free choice and staff directed activities. This schedule may be flexible based on the needs and interests of the children.
- 66.6 A licensee shall ensure that for toddlers and older children, indoor physical space is organized into identifiable activity areas where an identifiable space with related equipment and materials are kept in an orderly fashion and are accessible to children with daily opportunities documented on the lesson plan for children to learn in the following areas:
 - 66.6.1 Language and literacy, such as books and writing materials;
 - 66.6.2 Dramatic play, such as play materials, furniture, dress-up, and props;
 - 66.6.3 Construction/Blocks, such as unit blocks and accessories;

- 66.6.4 Creative arts, such as drawing materials, clay or play dough; and
- 66.6.5 Manipulative/Mathematics/Problem solving, such as puzzles, small construction toys, or objects to sort.
- 66.7 A licensee shall ensure that for toddlers and older children there are at least weekly opportunities documented on the lesson plan for children to learn in the following areas:
 - 66.7.1 Cooking of food exploration/Healthy habits, such as talking about healthy habits or comparing the taste/texture of different foods;
 - 66.7.2 Science and nature investigation, such as talking about the weather, observing insects/birds, having a leaf collection, blowing bubbles, or having a pet;
 - 66.7.3 Music and rhythm, such as singing, simple instruments, or music toys; and
 - 66.7.4 Multi-sensory play, such as sand or water play with containers, spoons, scoops, trucks or toy people.
- 66.8 A licensee shall ensure that each child one year and older, according to his or her ability, is provided the opportunity for a minimum of 20 minutes of moderate to vigorous physical activity indoors or outdoors, for every 3 hours the child is in attendance between the hours of 7 a.m. to 7 p.m. This active play opportunity may occur in one or more blocks of time daily. Structured physical activities shall be adapted to allow inclusion of children of all abilities.
- 66.9 Weather permitting, infants, toddlers, and older children shall be provided with daily outdoor play. For infants, this may include riding in a stroller or carriage, but must also include opportunities for gross motor development (such as unrestricted play on a surface that is safe and free of hazards, such as on a blanket, indoors or outdoors).
- 66.10 A licensee shall ensure that screen time activities such as television, digital video display or DVD, gaming devices, tablet and phone viewing, computer, and video cassette viewing be supervised by a staff member and limited to programs, games, and websites that are age appropriate and educational. Children shall be protected from exposure to inappropriate websites. Screen time activities are prohibited for children younger than two years of age and require written permission from the parent/guardian of all other children. Screen time shall not exceed one hour daily per child or group of children but may be extended for specific special events or occasions.

67.0 Documenting Children's Progress

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

68.0 Infant and Toddler Care

- 68.1 A licensee shall ensure that approved safety gates are provided and used in stairway areas where infants and toddlers are in care. Gates shall have latching devices that adults, but not children, can open easily in an emergency. Pressure or accordion gates shall not be used.
- 68.2 A licensee shall provide low chairs and tables or infant seats with trays for table play and mealtime for children no longer being held for feeding. High chairs or feeding tables with attached seats, if used, shall have a wide base and a T-shaped safety strap that must be used.
- 68.3 A licensee shall provide a rocking chair or other comfortable adult-size seating for at least half of the staff members on duty in the infant area.
- 68.4 A licensee shall ensure that children under three years of age do not have access to plastic bags except for small bags used in supervised activities, Styrofoam objects/cups/bowls/toys, and objects with a diameter of less than one inch.
- 68.5 A licensee shall ensure that walkers with wheels are not used unless prescribed by a health care provider. A copy of the prescription or medical authorization shall be kept in the child's file.

- 68.6 A licensee shall ensure that staff keep written daily records of an infant's feeding, sleeping, diapering, and other routine activities and share these with the infant's parent/guardian at the end of each day.
- 68.7 This daily record shall include documentation that each infant was visually monitored every 30 minutes when placed in the crib, playpen, or pack-and-play to nap/sleep to observe the infant for normal breathing, signs of distress, and to be ready to assist and respond in case of emergency.

69.0 Interactions with Children

- 69.1 A licensee shall ensure that staff interacts with infants providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:
 - 69.1.1 Offering frequent face to face interaction with infants when they are awake;
 - 69.1.2 Being held and carried;
 - 69.1.3 Limiting time spent, while awake, in confining equipment such as a crib, infant seat, swing, high chair, or play pen to less than 30 minutes during which time an age appropriate activity shall be provided, immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided;
 - 69.1.4 Providing opportunities for large muscle activities appropriate to the infant's developmental level such as supervised tummy times for short periods of a few minutes, while the infant is awake;
 - 69.1.5 Providing daily outdoor play opportunities as described in Subsection 66.9;
 - 69.1.6 Talking with infants during play, feeding and routine care;
 - 69.1.7 Reading to and looking at books with infants while holding or sitting close to them;
 - 69.1.8 Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;
 - 69.1.9 Responding to infants' actions, sounds and beginning language;
 - 69.1.10 Giving names to objects and experiences in the infants' environment;
 - 69.1.11 Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling, and standing; and
 - 69.1.12 Providing materials and encouragement for infants' beginning pretend play alone, with other children, and with staff.
- 69.2 A licensee shall ensure that staff interact with toddlers at their eye level, and whenever appropriate, sit on the floor with the toddlers, providing the following opportunities throughout the day, and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:
 - 69.2.1 Offering frequent face to face interactions with the toddlers;
 - 69.2.2 Having conversations with toddlers during play, feeding, and routine care;
 - 69.2.3 Reading to and looking at books with toddlers individually and in small groups;
 - 69.2.4 Encouraging children to play with one another with adult help;
 - 69.2.5 Providing materials and encouragement for pretend play alone and with other children and adults;
 - 69.2.6 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
 - 69.2.7 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.8;
 - 69.2.8 Limiting time spent, while awake, in confining equipment such as a crib, seat, swing, high chair, or play pen to less than half an hour immediately after which opportunities for freedom of movement are provided;
 - 69.2.9 Responding to toddlers' words and actions with interest and encouragement;
 - 69.2.10 Giving names to objects and experiences in the toddlers' environment; and
 - 69.2.11 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.
- 69.3 A licensee shall ensure that staff interact with preschool age children at their eye level, and whenever appropriate, sit on the floor with the children, providing the following opportunities throughout the day and by using activities and interactions such as those found in the Delaware Early Learning Foundations including the following:
 - 69.3.1 Offering frequent face to face interactions with children;
 - 69.3.2 Having conversations with children during play, meals, and routine care;
 - 69.3.3 Reading to and looking at books with children individually and in groups;
 - 69.3.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;

- 69.3.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the center's environment;
 - 69.3.6 Supporting the development of social competence through play and cooperative work with other children;
 - 69.3.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
 - 69.3.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
 - 69.3.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills, including daily opportunities for outdoor play as described in Subsection 66.8;
 - 69.3.10 Responding to children's words and actions with interest and encouragement;
 - 69.3.11 Giving names to objects and experiences in the children's environment; and
 - 69.3.12 Supporting children's development of independence and mastery of skills.
- 69.4 A licensee shall ensure that staff offers activities that meet the widely differing needs and interests of school-age children providing opportunities, materials, and equipment as described in Part VI, Additional Provisions for School-Age Only Centers.

70.0 Equipment

- 70.1 A licensee shall provide developmentally appropriate equipment and materials in a quantity sufficient for a variety of indoor and outdoor activities for all children. Materials and equipment shall promote a variety of experiences and choices that support children's social-emotional, language/literacy, intellectual, and physical development.
- 70.2 A licensee shall ensure that for infants and toddlers less than 18 months of age, developmentally appropriate supplies or equipment are provided in quantities as described in Subsection 70.1 in each of the following categories:
 - 70.2.1 Sensory supplies and equipment such as teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;
 - 70.2.2 Language/dramatic play supplies and equipment such as picture books, toy telephones, CDs, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment;
 - 70.2.3 Manipulative supplies and equipment such as squeeze and grip toys, boxes, sorting and stacking toys, three or four piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment;
 - 70.2.4 Building supplies and equipment such as soft lightweight blocks, toy cars, trains or boats, figures of animals and people, stacking rings or cups, nesting toys, or other comparable supplies or equipment;
 - 70.2.5 Large muscle supplies and equipment such as: low climbers, slides, riding/rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other comparable supplies and equipment; and
 - 70.2.6 Music supplies and equipment such as rhythm instruments, a CD player and CDs, toys with musical tones, musical mobiles or busy boxes, drums, xylophones or pianos, or other comparable supplies or equipment.
- 70.3 A licensee shall ensure that for children over 18 months of age, developmentally appropriate supplies or equipment are provided in quantities as described in Subsection 70.1 in each of the following categories:
 - 70.3.1 Language/literacy supplies and equipment such as books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, or classification, poetry, puppets, audio-visual materials, show and tell items, or other comparable supplies or equipment;
 - 70.3.2 Science and math supplies and equipment such as plants and gardening equipment, aquarium with fish or other appropriate live animals, water table with supplies, sand table with supplies, cooking supplies, weather chart or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;
 - 70.3.3 Manipulative supplies and equipment such as puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;
 - 70.3.4 Large muscle equipment such as rocking boat, wheel toys, climbers, slides, balance beam, barrels or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies and equipment;
 - 70.3.5 Building activities such as unit blocks (minimum of four sizes), transportation toys, farm animals, play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;
 - 70.3.6 Art supplies and equipment such as crayons, tempera paint, large brushes and newsprint, finger paint and finger paint paper, construction paper in assorted colors, paste or glue, blunt scissors, collage materials, non-toxic felt tip markers, easels, clay or play dough, or other comparable supplies and equipment;

- 70.3.7 Music supplies and equipment such as a CD player and CDs, piano or organ, guitar, rhythm sticks, drums, cymbals and bells, or other comparable supplies and equipment; and
- 70.3.8 Dramatic play supplies and equipment such as toy dishes, ironing board, telephones, occupational props or uniforms, dress-up clothes, housekeeping area (stove, sink, refrigerator), cradle or doll bed, doll carriage, dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment.
- 70.4 A licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small loose pieces and are free from recall.
- 70.5 A licensee shall ensure that furniture is durable and child-sized or adapted to children's use. Tables shall be at waist height of the intended child user and the child's feet are able to reach a firm surface while the child is seated.
- 70.6 A licensee shall ensure that equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the program.
- 70.7 A licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster awareness of other cultures and communities.
- 70.8 A licensee shall prohibit toys that explode or fire objects.

~~PART V ADDITIONAL PROVISIONS FOR NIGHT CARE~~

71.0 General

- 71.1 Night care may be provided by a center licensed to provide only night care or as a component of a licensed center.
- 71.2 A center licensed to provide only night care shall be exempt from Section 40.0.

72.0 Staffing

- 72.1 A licensee shall ensure that staff members are awake at all times and monitor sleeping children.
- 72.2 A licensee shall ensure that a single staff member provides no more than 16 hours of child care within a 24-hour period with at least seven consecutive hours of rest off of the center's premises. No other employment shall be permitted during the hours of rest.
- 72.3 A licensee shall ensure that when children one year and older are sleeping at least half of the required staff are physically present with the children and directly observing the children.
- 72.4 A licensee shall ensure that at least two staff are present and with the children at all times when seven or more children one year and older are present.
 - 72.4.1 The licensee shall have and follow emergency procedures providing immediate access to emergency services and additional staff when only one staff member is present with children at the center.
 - 72.4.2 When only one staff member is present with the children, the staff member shall have no other responsibilities than direct child care during that time.

73.0 Activities

- 73.1 A licensee shall ensure that a program of activities is provided to children before bedtime.
- 73.2 A licensee shall ensure that each child is given individual attention at bedtime and upon awakening. The licensee shall discuss with the parent/guardian any special preferences or habits of the child regarding bedtime and awakening and share this information with the staff member in charge of the child.

74.0 Sleeping Arrangements

- 74.1 A licensee shall ensure that sleeping arrangements are structured so that children who are awake are cared for in a separate area from sleeping children and that sleeping children are not disturbed.
- 74.2 A licensee shall ensure that children school-age and older do not share a dressing area with people of the opposite sex.
- 74.3 A licensee shall ensure that each child is provided with sleeping equipment as specified in Section 42.0.
 - 74.3.1 For children sleeping four or more hours at the center during the evening or are sleeping overnight, the licensee shall provide, as appropriate to their age, a crib or individual bed with a mattress that is covered with sheets and, for non-infants, a seasonably appropriate blanket.
 - 74.3.2 The licensee shall also provide a pillow with a pillowcase for a child in a bed.

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

75.0 Bathing and Grooming

- 75.1 A licensee shall follow the parent's/guardian's preference regarding bathing the child and note this preference in the child's record.
- 75.1.1 Each child shall be bathed individually and not placed together in a bathtub, shower, or portable bathing equipment.
- 75.1.1.1 Bathing equipment shall be cleaned with soap and water and sanitized before each use and equipped to prevent slipping.
- 75.1.1.2 An infant shall be bathed in age appropriate bathing equipment.
- 75.1.1.3 No child may be bathed in a sink used for cleaning dishes or utensils.
- 75.1.2 Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.
- 75.1.3 Individual towels and washcloths shall be provided for each child.
- 75.2 A licensee shall ensure that no child is left unsupervised while in a bathtub or shower. A child capable of bathing alone shall be allowed to bathe in private with written permission from the parent/guardian. A staff member shall respect that child's privacy but be immediately available to ensure the child's safety and to offer assistance when requested by the child.
- 75.3 A licensee shall ensure that there is a night light in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.
- 75.4 A licensee shall ensure that combs, toothbrushes, brushes, and other such personal items are marked with the owner's name and stored separately and used only by that child.

PART VI ADDITIONAL PROVISIONS FOR SCHOOL-AGE ONLY CENTERS

76.0 General

- 76.1 School-age care may be provided by a school-age center that exclusively offers care, education, protection, supervision or guidance for school-age children before or after school, during school holidays, or summer months.
- 76.2 A school-age center shall follow all regulations contained in this document except for these designated regulations in Part 1, General Provisions from which they are exempt:
- 76.2.1 Subsection 36.14 (General Safety Practices — Outlet Covers);
- 76.2.2 Subsection 63.2 and Section 64.0 (Infant and Toddler Food and Nutrition);
- 76.2.3 Subsection 66.7 (Sensory Play);
- 76.2.4 Section 67.0 (Documenting Children's Progress);
- 76.2.5 Section 68.0 (Infant and Toddler Care);
- 76.2.6 Subsection 69.1 (Interactions with Infants);
- 76.2.7 Subsection 69.2 (Interactions with Toddlers);
- 76.2.8 Subsection 69.3 (Interactions with Preschool-Age Children);
- 76.2.9 Subsections 70.2 and 70.3 (Equipment);
- 76.2.10 Section 42.0 (Sleeping accommodations; unless there are children who nap/sleep at the school-age only center); and
- 76.2.11 School-age only programs located in a public or private school are exempt from the covered trash can requirement found in Subsection 36.7.
- 76.3 A volunteer who is working as part of an educational degree-granting program and assigned to a school-age only center must be fingerprinted for their educational institution and may not be alone with children unless qualified as specified in these regulations through Delaware First. The fingerprint verifications for these students must be on file at the facility.

77.0 School-Age Staff Positions

- 77.1 School-Age Administrator

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

| Education | Area of Study/Major | Regionally Accredited College or University Credits¹ | Experience² |
|---|----------------------------|--|--|
| At least a bachelor's degree or associate degree from a regionally accredited college or university | All areas of study | Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning; environment/curriculum; social-emotional development; observation/assessment; and one three-hour school-age elective of the learner's choice | 18 months of experience working with children kindergarten through sixth grade in a group setting. |
| ¹ Possession of an administrator's credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. Possession of the early childhood or school-age administrator's credential alone does not qualify an individual as a school-age administrator. | | | |
| ² Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience. | | | |

77.2 School-Age Site Coordinator.

77.2.1 A licensee shall ensure that a school-age site coordinator is at least 20 years of age and meets the following education and experience qualifications:

| Education | Area of Study/Major | Regionally Accredited College or University Credits¹ | Experience² |
|--|----------------------------|--|--|
| At least a high school diploma or equivalent recognized by the Delaware Department of Education | Any | Successful completion of at least 12 college or university credits in recreation, elementary education, school-age care, or school-age administration. | 12 months of experience working with children kindergarten through sixth grade in a group setting. |
| ¹ Possession of a school-age credential issued by the Delaware Department of Education or DOE, its designee, or by another state's body authorized in that state as the professional development entity for its early childhood workforce may substitute for three college or university credits. | | | |
| ² Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience. | | | |

77.3 School-Age Site Assistant

77.3.1 A licensee shall ensure that a school-age site assistant is at least 18 years of age and meets one of the following education and experience qualifications:

| Education | Area of Study/Major | Regionally Accredited College or University Credits or Quality-Assured Training | Experience¹ |
|------------------|----------------------------|--|-------------------------------|
|------------------|----------------------------|--|-------------------------------|

| | | | |
|---|---------------------------|---|---|
| <p>High school diploma or equivalent recognized by Delaware Department of Education</p> | <p>All areas of study</p> | <p>Successful completion of three credits in recreation, elementary education, school-age care, or school-age administration –or– 45 clock hours of quality assured training related to the needs of the school-age children served</p> | <p>Part-time employment for one school year from September to June providing education/care to children kindergarten through sixth grade in a group setting –or– Full-time employment during the majority of one summer season (June through August) providing education/care to children kindergarten through sixth grade in a group setting</p> |
| <p>High school diploma or equivalent recognized by Delaware Department of Education</p> | <p>All areas of study</p> | <p>Successful completion of at least 15 clock hours of quality assured training in school-age care within 12 months of employment.</p> | <p>Part-time employment from September to June for two school years or full-time employment for one school year providing education/care to children kindergarten through sixth grade in a group setting –or– Full-time employment during the majority of two summer seasons (June through August) providing education/care to children kindergarten through sixth grade in a group setting</p> |
| <p>⁴Supervised experience may be substituted for the required experience and will reduce it by half.</p> | | | |

77.4 School-Age Intern

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

| |
|-------------------------|
| <p>Education</p> |
|-------------------------|

Successful completion of at least three college or university credits from a regionally accredited college or university in recreation, elementary education, school-age care, or school-age administration.

–or–

Successful completion of at least 15 clock hours of quality assured training in school-age care completed within 12 months of employment.

–or–

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

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

77.4.2.1 Walking children to or from a bathroom;

77.4.2.2 Walking children to or from receiving first aid treatment;

77.4.2.3 Walking children to or from a bus stop;

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

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

77.5 School-Age Aide

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

78.0 Staffing

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

78.2 A licensee shall ensure that a school-age center has at least one staff member who meets the qualifications for the position of school-age site coordinator when the school-age administrator is responsible for more than one school-age center.

78.3 A licensee shall ensure that a staff member with the qualifications of a school-age administrator or school-age site coordinator is present at least 50% of the hours of operation.

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

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

78.6 A licensee shall ensure that when a school-age administrator or school-age site coordinator is not present at the school-age center, an assigned staff member that at least meets the qualifications of school-age site assistant is present and specifically designated as responsible for the school-age center. This staff member shall have documented training in the day-to-day operations of the center with an emphasis on the supervision of children and staff.

79.0 Outdoor Play Area

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

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

80.0 Food, Water, and Nutrition

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

80.1.1 If breakfast is not served at the school-age center, a nutritious snack shall be served to each child who is in before school care for more than two hours.

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

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

81.0 Child Care Activities

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

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

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

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

| Activities for School-Age Children | |
|--|--|
| Daily | Monthly |
| Opportunities for moderate to vigorous active physical play such as active games, sports, dancing, running, jumping, climbing or exploring the environment; | Opportunities to participate in projects that require an extended time period to complete in such topics as science, math, social studies, language arts, cooking, drama, creative arts, or music. |
| Opportunities for outdoor activities after school. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors; and | |
| Opportunities for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying. | |

APPENDIX

| FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN | | | |
|---|-------------------------|-------------------------|--------------------------|
| OCCL REQUIRED MEAL COMPONENTS | | | |
| MEAL COMPONENT | Ages 1 through 2 | Ages 3 through 5 | Ages 6 through 12 |
| BREAKFAST – Serve all 3 of the following components (meat/meat alternate is optional): | | | |
| 1. Milk, fluid (whole for 12-24 months; 2.0%, 1.0%, or fat free for age two and older) | 1/2 Cup | 3/4 Cup | 1 Cup |
| 2. Fruit/Juice ⁺ / or vegetable | 1/4 Cup | 1/2 Cup | 1/2 Cup |
| 3. Grain or bread | - | - | - |
| — Bread | 1/2 Slice | 1/2 Slice | 1 Slice |
| — Cereal – Dry | 1/4 Cup | 1/3 Cup | 3/4 Cup |
| — Cereal – Hot | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| 4. Meat or meat alternate (optional) | - | - | - |
| — Lean meat, poultry or fish | 1/2 Ounce | 1/2 Ounce | 1 Ounce |
| — Cheese (<i>No Cheese Food</i>) ² | 1/2 Ounce | 1/2 Ounce | 1 Ounce |
| — Cottage cheese | 2 Tablespoons | 2 Tablespoons | 2 Tablespoons |
| — Large egg | 1/2 Egg | 1/2 Egg | 1/2 Egg |
| — Peanut butter or other nut/seed butters | 1 Tablespoon | 1 Tablespoon | 2 Tablespoons |
| — Nuts or seeds | 1/2 Ounce | 1/2 Ounce | 1 Ounce |
| — Yogurt, plain or flavored; unsweetened or sweetened | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| ⁺ Juice: Only 100% unsweetened juice may be served. ² Cheese must be real, natural cheese. Cheese food or cheese products may not be served. | | | |

| FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN | | | |
|---|-------------------------|-------------------------|--------------------------|
| OCCL REQUIRED MEAL COMPONENTS | | | |
| MEAL COMPONENT | Ages 1 through 2 | Ages 3 through 5 | Ages 6 through 12 |
| LUNCH or DINNER – Serve the following 5 components: | | | |
| 1. Milk, fluid (whole for 12-24 months; 2.0%, 1.0%, or fat free for age two and older) | 1/2 Cup | 3/4 Cup | 1 Cup |
| 2. Fruit/Juice ⁺ / Vegetable | 1/4 Cup | 1/2 Cup | 3/4 Cup |
| 3. Fruit or vegetable | - | - | - |
| 4. Grain or bread | - | - | - |
| — Bread | 1/2 Slice | 1/2 Slice | 1 Slice |
| — Grain or pasta | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| — Cereal – dry | 1/4 Cup | 1/3 Cup | 3/4 Cup |
| — Cereal – hot | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| 5. Meat or meat alternate | - | - | - |
| — Lean meat, poultry or fish | 1 Ounce | 1 – 1/2 Ounce | 2 Ounces |
| — Cheese (<i>No Cheese Food</i>) ² | 1 Ounce | 1 – 1/2 Ounce | 2 Ounces |
| — Cottage cheese | 1/4 Cup | 3/8 Cup | 1/2 Cup |
| — Large egg | 1/2 Egg | 3/4 Egg | 1 Egg |
| — Cooked dry beans/peas | 1/4 Cup | 3/8 Cup | 1/2 Cup |
| — Peanut butter or other nut/seed butters | 2 Tablespoons | 3 Tablespoons | 4 Tablespoons |
| — Nuts or seeds | 1/2 Ounce | 3/4 Ounce | 1 Ounce |
| — Yogurt, plain or flavored; unsweetened or sweetened | 1/2 Cup | 3/4 Cup | 1 Cup |
| ⁺ Juice: Only 100% unsweetened juice may be served. ² Cheese must be real, natural cheese. Cheese food or cheese products may not be served. | | | |

FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO CHILDREN

| OCCL REQUIRED MEAL COMPONENTS | | | |
|---|--------------------------|--------------------------|--------------------------|
| MEAL COMPONENT | Ages 1 through 2 | Ages 3 through 5 | Ages 6 through 12 |
| SNACK — Serve 2 of the following 4 components: | | | |
| 1. Milk, fluid (whole for 12-24 months; 2.0%, 1.0%, or fat-free for age 2 and older) | 1/2 Cup | 1/2 Cup | 1 Cup |
| 2. Fruit / Juice ¹ / Vegetable | 1/2 Cup | 1/2 Cup | 3/4 Cup |
| 3. Grain or bread | - | - | - |
| — Bread | 1/2 Slice | 1/2 Slice | 1 Slice |
| — Grain or pasta | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| — Cereal — dry | 1/4 Cup | 1/3 Cup | 3/4 Cup |
| — Cereal — hot | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| 4. Meat or meat alternate | - | - | - |
| — Lean meat, poultry, or fish | 1/2 Ounce | 1/2 Ounce | 1 Ounce |
| — Cheese (No Cheese Food) ² | 1/2 Ounce | 1/2 Ounce | 1 Ounce |
| — Cottage cheese | 2 Tablespoons | 2 Tablespoons | 2 Tablespoons |
| — Large egg | 1/2 Egg | 1/2 Egg | 1/2 Egg |
| — Cooked dry beans/ peas | 1/8 Cup or 2 Tablespoons | 1/2 Cup or 2 Tablespoons | 1/4 Cup or 4 Tablespoons |
| — Peanut butter or other nut/seed butters | 1 Tablespoon | 1 Tablespoon | 2 Tablespoons |
| — nuts or seeds | 1/2 Ounce | 1/2 Ounce | 1 Ounce |
| — Yogurt, plain or flavored; unsweetened or sweetened | 1/4 Cup | 1/4 Cup | 1/2 Cup |
| ¹ Juice: Only 100% unsweetened juice may be served. ² Cheese must be real, natural cheese. Cheese food or cheese products may not be served. | | | |

| FOR EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS PROVIDING FOOD TO INFANTS | | | |
|--|-------------------------------|---------------------------|----------------------------|
| OCCL REQUIRED MEAL COMPONENTS | | | |
| MEAL COMPONENT | Birth through 3 Months | 4 through 7 months | 8 through 11 months |
| BREAKFAST – Serve the following 3 components: | | | |
| 1. Breast Milk or Formula | 4–6 fluid ounces | 4–8 fluid ounces | 6–8 fluid ounces |
| 2. Infant Cereal | None | 0–3 Tablespoons | 2–4 Tablespoons |
| 3. Fruit or Vegetable <i>or both</i> | None | None | 1–4 Tablespoons |
| LUNCH OR DINNER – Serve the following 4 components: | | | |
| 1. Breast Milk or Formula | 4–6 fluid ounces | 4–8 fluid ounces | 6–8 fluid ounces |
| 2. Infant Cereal | None | 0–3 Tablespoons | 2–4 Tablespoons |
| 3. Fruit or Vegetable | None | 0–3 Tablespoons | 1–4 Tablespoons |
| 4. Meat or Meat Alternate | - | - | - |
| Lean meat, poultry, fish, egg yolk, cooked beans or peas | None | None | 1–4 Tablespoons |
| Cheese (<i>No Cheese Food</i>) [†] | None | None | 1/2 – 2 ounces |
| Cottage Cheese | None | None | 1–4 ounces |
| SNACK – Serve the following 2 components: | | | |
| 1. Breast Milk or Formula | 4–6 fluid ounces | 4–6 fluid ounces | 2–4 fluid ounces |
| 2. Grain or Bread | - | - | - |
| Bread | None | None | 0–1/2 Slice |
| Crackers | None | None | 0–2 Crackers |
| [†] Cheese: Cheese must be real, natural cheese. Cheese food or cheese products may not be served. | | | |

INTRODUCTION

1.0 Legal Base

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

2.0 Purpose

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

PART I GENERAL PROVISIONS

3.0 Definition of Terms

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

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

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

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

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

"Applicant" means the individual, president of the corporation, managing member of the Limited Liability Company "LLC," director of an agency, superintendent of a school district, or entity that is responsible for and has authority over the operation of the center.

"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.

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

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

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

"Clock hour(s)" means the actual number of hours 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 the division 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 he or she resided during the past five years. Staff members and volunteers who will be present at least five days or 40 hours per year may be present on a provisional basis after completing a State of Delaware and federal fingerprint check. However, they must be supervised at all times until OCCL's Criminal History Unit determines them eligible and sends an approval notice.

"Conference" means a meeting between OCCL and a licensee to discuss serious non-compliance as defined in these regulations. If a licensee does not correct this non-compliance as stated in a corrective action plan or agreement of understanding, this may result in an enforcement action. In addition, a licensee may request a conference to dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint or other visit, or to discuss the denial of a variance request.

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

"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. A licensee wishing to contest a non-compliance shall contact a licensing supervisor to request a conference or discuss the citation over the phone. The supervisor will then discuss the information with the licensing specialist and determine whether to remove the non-compliance from the corrective action plan.

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

"Designated representative" means the person who has been assigned by the licensee, organization, corporation, entity, LLC, school district, or State agency to act on his, her, or its behalf and granted authority over program operations and to represent him, her, or it 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" (of children or staff members) 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.

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

"DOE" means the Delaware Department of Education.

"DPH" means the Delaware Division of Public Health.

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

"Early childhood administrator" means a staff member with direct responsibility for the center's total program of services provided to children and their families, and when applicable, the administrative aspects. This person approves curriculum, and when also serving as the early childhood curriculum coordinator develops and evaluates curriculum and monitors implementation of curriculum and daily activities for children. 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 assistant teacher or early childhood caregiver. This person has not completed the approved 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.

"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. This person works under the supervision of an early childhood teacher and the direct observation of at least an early childhood assistant teacher or early childhood caregiver. This person may be alone with children as listed in these regulations and meets the qualifications 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 or early childhood curriculum coordinator, and is immediately responsible for the direct care, supervision, guidance, and education of children at a center. This person may develop 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.

"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-two years) with an identified disability.

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

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

"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.

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

"Licensing 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 31 Del.C. §§341-345 to promulgate and enforce regulations for child care, to license child care facilities, and to develop and implement policies and procedures.

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

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

"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. A plan review is required when changing meal services provided at the center. A plan review may also be required when changing the ages of children served.

"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. The division director approves this action. This action directs the licensee to correct all non-compliances and maintain compliance or face revocation or denial.

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

"Provisional license" means a license issued for a maximum period of three months when the licensee is temporarily unable to comply with these regulations 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 administrator 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 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 approves curriculum and also, when not assigning such duties to a school-age site coordinator, develops and evaluates curriculum and implements or monitors implementation of curriculum and daily activities for children at the school-age center. 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 site coordinator and the direct observation of at least a school-age site assistant. This person has not completed the approved 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/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. This person works under the supervision of at least a school-age site coordinator or school-age site assistant who is designated as responsible for the school-age center. This person works under the direct observation of at least a school-age site assistant, may be alone with children as listed in these regulations, and meets the qualifications 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 staff member of a school-age center who performs direct child care duties. This person works under the supervision of the school-age administrator, and is immediately responsible for the day-to-day operations of the school-age center, direct care, supervision, guidance, and education of the children. This person implements curriculum and daily activities for children at the school-age

center. In addition, when assigned such duties, this person develops and evaluates curriculum and monitors implementation of curriculum. This person may supervise school-age site assistants, school-age interns, school-age aides, volunteers, and substitutes and meets the qualifications listed in these regulations.

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

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

"Serious injury" means any impact or injury to a child's 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 or curriculum coordinator, 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 and/or alcohol, leaving unqualified staff alone with children, failing to complete comprehensive background checks as required, having an unsafe building/environment, violating an agreement of understanding, or refusing to sign an agreement of understanding.

"Service Letters" as 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 his/her violent behavior or threat of violence in the workplace, or for abuse or negligence/neglect of patients/clients/residents/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, school-age site coordinator, or school-age site assistant who is designated as responsible for the school-age center. If not qualified to be alone with children, the substitute 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 approved or 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. OCCL's administrator approves this action. This action directs a licensee to correct all non-compliances and maintain compliance or face probation or other enforcement action.

"Youth camp" means a child-serving entity having custody or control of one or more school-age children, unattended by parent or guardian, for the purpose of providing a program of recreational, athletic, educational and/or religious instruction or guidance and operates for up to 12 weeks for three or more hours per day, during the months of May through September or some portion thereof, or during holiday breaks in the course of a school year, and is operated in a space or location that is not subject to licensing pursuant to 31 Del.C. §344.

4.0 Definition of Regulated Service

- 4.1 Early care and education and school-age centers (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 for less than 24 hours per day and children attend without a parent/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, school vacation or holiday care, and summer child care.
- 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 and are issued permits by the Division of Public Health (DPH);
 - 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/guardian is on the premises and readily accessible 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/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;
 - 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 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. This exclusion includes programs and preschool education programs for people with disabilities as defined by 14 Del.C. §3101(4) operated by these schools, except as stated in subsection 4.2.
- 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. Anyone who operates a center without a license violates 31 Del.C. §§341-345, The Delaware Child Care Act, and shall be fined not more than \$100 or imprisoned not more than three months, or both.

5.0 Authority to Inspect

- 5.1 Applicants, licensees, staff members, and volunteers, if applicable, shall allow 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/guardians by officials from OCCL or

other State and local agencies. Interviews will occur to determine compliance these regulations and other applicable codes, regulations, or laws. A licensee shall cooperate and have staff members cooperate with division investigations regarding allegations of child abuse or neglect.

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, early childhood administrator or 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 licensee becomes not valid within 90 days of 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;
 - 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, 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 and any reasonable accommodations that may be required;
- 7.1.3.12 Certificate of liability insurance due by pre-licensing visit; and
- 7.1.3.13 State business license.
- 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 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.

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 center provides meals or snacks;
 - 8.1.2 Certificate of liability insurance; and
 - 8.1.3 A copy of the current State business license.
- 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 submits an application on time, the existing license will not expire until OCCL makes a decision on the renewal application.
- 8.4 When a licensee submits an application 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 request a conference with a licensing supervisor to dispute citations. A licensee may provide evidence that the facility was wrongly cited.
- 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.

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.

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, building construction, plumbing, Department of Natural Resources and Environmental Control for septic systems, and Office of Drinking Water for well water; and
 - 10.1.6 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.

11.0 Regulation Variance

- 11.1 An applicant or licensee shall comply with all regulations unless he or she licensee requests a variance from OCCL and receives approval.
- 11.2 The applicant or licensee shall describe on a written variance request form, located on OCCL's website (currently <https://kids.delaware.gov/occl/occl.shtml>), how he or she 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.

12.0 Complaints

- 12.1 OCCL shall conduct an investigation 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 request a conference with a licensing supervisor to dispute citations or findings.
 - 12.4.2 A licensee may provide evidence that the facility was wrongly cited.
- 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) will be referred 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 shall request a report of the findings at the conclusion of the investigation. These findings may be used as the basis for an OCCL enforcement action.

12.6 An investigation by the Division's Office of Children's Services, Institutional Abuse Investigation Unit will be made if a complaint is received regarding the abuse or neglect of a child at the center by a staff member.

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.

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 9am 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 division director.

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. The decision will become final 10 business days after it is mailed or delivered.

13.2.3.4 The licensee will be notified in writing of the decision.

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 OCCL.

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.

13.3.2 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 probation, the division director determines whether to adopt the recommendation and makes a final decision. After a hearing officer makes a recommendation regarding warning of probation, OCCL's administrator 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 request a conference with a licensing supervisor to dispute citations.

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

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 The division 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 State law(s) 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 licensee or staff member that adversely affects or is deemed by the division 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 licensee or administrator to operate a center.

13.4.2 The division shall notify the licensee in writing of the reasons it intends to deny a license application or revoke a license. This letter will describe how 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 OCCL issued the notice.

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.
- 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 of receiving 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 OCCL.
 - 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 in a leadership role will not be issued a license during this three-year period.

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 within five business days of the resignation, termination, transfer, or hiring of the early childhood or school-age administrator, early childhood curriculum coordinator, or school-age site coordinator. An early childhood administrator or staff member shall notify OCCL within 10 business days of the death of the licensee.
- 14.3 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:
 - 14.3.1 A fire, flood, or other disaster causes damage that affects the center's ability to operate safely;
 - 14.3.2 Injury of a child while in the care of a center, when the center is informed the child required medical/dental treatment other than any first aid provided at the center. A licensee shall follow this call with a written report within three business days;
 - 14.3.3 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);
 - 14.3.4 A known arrest or conviction of a staff member or licensee;
 - 14.3.5 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:

- 14.3.6 The phone number of the center changes (must also notify parent(s)/guardian(s) and staff members);
- 14.3.7 A child is abducted from the center or is missing while in the center's care; or
- 14.3.8 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, smoke/fire alarm system failure, and heating or air-conditioning failure.
- 14.4 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.
- 14.5 A licensee shall ensure telephone calls from OCCL requiring a response are returned within two business days.

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.

16.0 Insurance Coverage

A licensee shall have documentation of motor vehicle, 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. The 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/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).

18.0 General Human Resources and Personnel Policies

A licensee shall have and follow written policies and practices that include procedures 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 on request by prospective staff.

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

20.0 Positive Behavior Management

- 20.1 A licensee shall have and follow an easy-to-understand written children's behavior management statement. The statement shall be posted in a noticeable place in the center and provided to a parent/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 management of 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/guardian and professionals, if necessary, to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need, including a behavioral or emotional disability.
- 20.4 A licensee shall ensure staff members teach by example by always being respectful when speaking to children and others such as other staff and families 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 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.

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/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 parents/guardians); and
 - 21.1.4 A description of which food services will be provided by the licensee or by a parent/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 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.

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 Policies-Parent/Guardian Handbook

- 23.1 A licensee shall have and follow an organized system of respectful communication with parents/guardians and provide a handbook at enrollment that includes the following information:
- 23.1.1 Assurances that parent/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 and/or federal laws;
 - 23.1.3 A statement of the center's developmental and educational goals for children as stated in subsection 73.2.1 including procedures for regularly informing the parent/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/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/guardian of the identities and contact information of the governing body members and owners, as applicable;
 - 23.1.7 A procedure encouraging the parent/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/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/guardian including a process for the emergency release of a child;
 - 23.1.9.2 Allowing school-age children to walk home or from the school bus stop to the center each with written parent/guardian permission;

- 23.1.9.3 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;
- 23.1.9.4 Handling situations in which a non-custodial parent attempts to claim the child without custodial parent/guardian permission;
- 23.1.9.5 Handling situations in which an unapproved person attempts to pick up a child, and
- 23.1.9.6 Handling situations when a person who seems to be intoxicated or unable to bring the child home safely requests 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/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/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/guardian notification; illness exclusions including reportable communicable diseases; parent/guardian notification of communicable disease or condition; and administration of medication;
- 23.1.14 Policies for child suspension and expulsion;
- 23.1.15 Policies on positive behavior management, food and nutrition services, safety and sanitation, physical activity, screen time, photographing or videotaping children, and transporting children, as applicable; and
- 23.1.16 A typical daily schedule of the center's programs and activities.

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 through OCCL's designee, Department of Education, 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 Delaware First 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 approved 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 or early childhood curriculum coordinator, each with a degree. Supervised experience for school-age positions may be observed and documented by a school-age administrator or school-age site coordinator.

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.

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:

| <u>Education</u> | <u>Area of Study/Major</u> | <u>Regionally Accredited College or University Credits¹</u> | <u>Experience²</u> |
|--|----------------------------|---|---|
| <u>At least a bachelor's degree or associate degree from a regionally accredited college or university</u> | <u>All areas of study</u> | <u>Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and at least one three hour early childhood elective of the student's choice</u> | <u>12 months of experience working with children ages birth through second grade in a group</u> |
| <p>¹<u>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.</u></p> | | | |
| <p>²<u>Three months of supervised student teaching of children birth through second grade may substitute for six months of the required experience.</u></p> | | | |

24.5.2 A licensee shall ensure the early childhood administrator who manages the center's human resources/personnel and fiscal duties completed 15 clock hours of approved training in administration, unless the duties are not the responsibility of the early childhood administrator.

24.5.2.1 A written plan approved by OCCL is required if the duties are not the responsibility of the early childhood administrator.

24.5.2.2 The written plan must identify the person/entity performing these duties and the qualifying factors regarding the person/entity.

24.5.2.3 Changes involving the person/entity performing these duties requires a new plan approved by OCCL.

24.5.3 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 curriculum coordinator with at least an associate degree functioning in that role.

24.6 Early Childhood Curriculum Coordinator

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

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

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

24.6.2 An early childhood curriculum coordinator without a degree may fill this position when the early childhood administrator is qualified with at least an associate degree.

24.7 Early Childhood Administrator or Early Childhood Curriculum Coordinator - Specialized Training

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

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

24.7.3 In addition, An early childhood administrator requires specialized training as described in subsection 24.5.2.

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:

| <u>Education</u> | <u>Area of Study/Major</u> | <u>Regionally Accredited College or university Credits</u> | <u>Experience¹</u> |
|---|--|---|--|
| <u>Bachelor's degree or associate degree from a regionally accredited college or university</u> | <u>Early childhood education, child development, elementary education, elementary special education, or child psychology</u> | <u>Successful completion of at least six credits in child development or early childhood education</u> | <u>Three months of supervised student teaching birth through second grade</u> - or - <u>Six months of experience working with children birth through second grade in a group</u> |
| | <u>All other areas of study/majors</u> | <u>Successful completion of at least six credits in child development or early childhood education</u> | <u>Six months of experience working with children birth through second grade in a group</u> |
| <u>High school diploma or equivalent recognized by DOE</u> | <u>All areas of study</u> | <u>Successful completion of at least nine credits of which three credits must be in early childhood education, child development, and positive behavior management</u> <u>-or-</u> <u>Valid Child Development Associate Credential or CDA</u> <u>-or-</u> <u>Successful completion of Training for Early Care and Education 1 and 2 or TECE 1 and TECE 2</u> <u>-or-</u> <u>Montessori Infant and Toddler Full/Associate Credential or Montessori Early Childhood Full/Associate Credential from a MACTE approved training program</u> <u>-or-</u> <u>Successful completion of the Delaware Department of Labor's Early Childhood Apprenticeship Program</u> <u>-or-</u> <u>Successful completion of a vocational or technical high school's three year program in early childhood education approved by DOE</u> <u>-or-</u> <u>Successful completion before 2007 of a one-year early childhood diploma program from a two-year college</u> | <u>12 months of experience working with children birth through second grade in a group</u> |

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

24.9 Early Childhood Assistant Teacher

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

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 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/guardian; and

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

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 assistant teacher or early childhood caregiver.

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 his or her direct care.

24.12.6 An early childhood aide will count in the staff/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/child ratio while enrolled in the high school program.

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/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 under the direct observation of at least an early childhood assistant teacher, early childhood caregiver, or school-age site assistant at all times.

25.1.5 When the position of early childhood administrator or early childhood curriculum coordinator is vacant for 30 days or more, a substitute or person filling that role must be qualified for and function in the designated position.

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/child ratios. Volunteers may count toward staff/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 more than five days or 40 hours a year are fingerprinted by State Police before beginning to volunteer and complete a comprehensive background check as described in subsection 28.3. Volunteers who have had a comprehensive background check and determined eligible may be alone with children if qualified as at least an early childhood assistant teacher or school-age site assistant.

25.2.5 A licensee shall ensure a file is created for each volunteer who volunteers five days or 40 hours per year before he or she 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;

25.2.5.5 Statement signed by the volunteer stating whether he or she has previous conviction(s), current indictments, or involvement in criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or 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;

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 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/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/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.

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 the center has a qualified early childhood curriculum coordinator who functions in that role.
- 26.3 An early childhood administrator shall also be able to serve as the early childhood curriculum coordinator if the early childhood administrator has at least an associate degree and:
 - 26.3.1 The center has a capacity of 60 or fewer children; or
 - 26.3.2 The licensee has a written plan approved by OCCL that the center's human resources/personnel and fiscal duties are not the responsibility of the early childhood administrator. The written plan must identify the person/entity performing these duties and the qualifying factors regarding the person/entity. A change involving the person/entity performing these duties requires a new plan approved by OCCL.
- 26.4 A licensee shall ensure an early childhood administrator or early childhood curriculum coordinator is at the center at least 60% of the hours of operation and functioning in that role. The early childhood administrator shall be present at least 20 hours a week during the hours of operation.
 - 26.4.1 When the early childhood administrator or early childhood curriculum coordinator 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/closing procedures, location of and access to child and staff files, and supervision of children and staff.
 - 26.4.2 If an early childhood administrator is also serving as a curriculum coordinator for two centers, each with capacities of 60 or fewer children, this person must be at each center at least 50% of the hours of operation.

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

| <u>Number of Early Childhood Teacher(s)</u> | <u>Number of Early Childhood Assistants, Caregivers, Interns, and Aides</u> |
|---|---|
| <u>1</u> | <u>1 to 4</u> |
| <u>2</u> | <u>5 to 8</u> |
| <u>3</u> | <u>9 to 12</u> |
| <u>4</u> | <u>13 to 16</u> |
| <u>5</u> | <u>17 to 20</u> |
| (continue as needed) | |

26.6 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.

26.7 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.

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:

| | <u>Age of Child</u> | <u>Minimum Staff/Child Ratio</u> | <u>Maximum Group Size</u> |
|------------------------------------|--|----------------------------------|---------------------------|
| Infant | <u>Under 12 months</u> | <u>1:4</u> | <u>8</u> |
| Young toddler (1 year old) | <u>12 through 23 months</u> | <u>1:6</u> | <u>12</u> |
| Older toddler (2 year old) | <u>24 through 35 months</u> | <u>1:8</u> | <u>16</u> |
| Young preschool child (3 year old) | <u>36 through 47 months</u> | <u>1:10</u> | <u>20</u> |
| Older preschool child (4 year old) | <u>48 months or older and not yet attending kindergarten or higher</u> | <u>1:12</u> | <u>24</u> |
| School-age child | <u>Attending kindergarten or higher</u> | <u>1:15¹</u> | <u>30</u> |

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

27.2 A licensee shall maintain the staff/child ratio for infants at all times. A staff member shall be assigned to care for specific infants and toddlers within his or her group.

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

27.4 Maximum group size does not have to be maintained 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 must be maintained.

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 separate from older children except in the following situations:

27.7.1 When 12 or fewer children in total are present (except as stated in subsection 25.8);

27.7.2 During the first 90 minutes and last 90 minutes of the hours of operation;

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.

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 work place.

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.

28.3.1 Staff members shall provide the fingerprint verification form to the licensee before working with children.

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 administrator shall submit the results immediately to OCCL's 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.

28.4 A licensee shall complete an adult abuse registry check through the Department of Health and Social Services' website (currently listed as <http://dhss.delaware.gov/dhss/dltcrp/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 he or she is prohibited from working in child care in Delaware or is determined ineligible under the DELACARE Regulations - Background Checks For Child-Serving Entities. In addition, a licensee may not employ or retain a person who is prohibited from working in child care in Delaware or convicted of a prohibited offense, as defined in the federal Child Care Development Block Grant Act. The licensee may not employ or retain in any capacity a person convicted of an offense defined as child sex abuse in 11 Del.C. §8550; or whose child or children are currently removed from this person's custody because of abuse or neglect; or who are on the Child Protection Registry at a Level III or Level IV.

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 <http://>

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 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 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 he or she has previous conviction(s), current indictments, or involvement in criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or 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;
 - 30.1.10 Comprehensive background check results;
 - 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.
 - 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.

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; and
 - 31.1.8 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.

32.0 Orientation

- 32.1 A licensee shall document that all staff members, all substitutes, and volunteers working more than five days or 40 hours a year receive training in the following topics before working with children:
- 32.1.1 Delacare Regulations (related to job duties);
 - 32.1.2 Emergency preparedness, disaster and evacuation plans and procedures;
 - 32.1.3 Personnel and administrative policies;
 - 32.1.4 Release of children including procedures for situations listed in subsection 23.1.9.1;
 - 32.1.5 Positive behavior management;
 - 32.1.6 Safe sleep procedures including prevention of sudden infant death syndrome if the center serves infants;
 - 32.1.7 Shaken baby syndrome and abusive head trauma if the center serves infants;
 - 32.1.8 Routine and emergency health care including health exclusions, prevention, and recognition of the symptoms of childhood illnesses, including reportable communicable diseases;
 - 32.1.9 Prevention and response to emergencies due to food allergies;
 - 32.1.10 Building and physical premises safety;
 - 32.1.11 Handling and storage of hazardous materials; proper disposal of bio-contaminants;
 - 32.1.12 Child accident and injury procedures;
 - 32.1.13 Administration of medication, within two months of hire;
 - 32.1.14 Child care goals and program for children;
 - 32.1.15 Recordkeeping, including documenting children and their own attendance;
 - 32.1.16 Family involvement;
 - 32.1.17 Food and nutrition services, including proper handling, storage, preparation, and feeding of breast milk and formula, if applicable;
 - 32.1.18 Safety and sanitation procedures;
 - 32.1.19 Physical activity;
 - 32.1.20 Screen time as described in subsection 76.4;
 - 32.1.21 Photographing or videotaping children;
 - 32.1.22 Transporting children, if applicable;
 - 32.1.23 Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and the center's procedures to report abuse and neglect; and
 - 32.1.24 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.

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/child ratios, participate in annual training related to the person's position.

- 33.1.1 Training in administration of medication 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/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/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration.
- 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 Delaware Department of Education "DOE";
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 during the period beginning at the start date and ending at the expiration date of the center's license.

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 cardio-pulmonary 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. A licensee shall keep these records for at least three months.

37.0 Staff Communication

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, he or she is informed of significant information, problems, needs, or special circumstances involving a child or children.

38.0 Parent's Right To Know

38.1 A licensee shall provide a parent/guardian with information about the person's right to review the center's licensing record as stated in 31 Del.C. §398.

38.1.1 As a part of the enrollment inquiry process, a licensee shall require the parent/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/guardian.

38.1.3 A licensee shall keep a log that documents the printed names of the child and parent/guardian's 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/guardian.

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

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/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/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 to determine the accommodations or other planning needed to do so; and

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

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/guardians' home and cell phone numbers, if applicable;

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

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

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

40.1.5 Health appraisal and immunization record (or 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/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 provided by the parent/guardian, 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/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/guardian.

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

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 III;

41.1.5 Medical information for treatment in case of emergency; and

41.1.6 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/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.

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/guardian at an annual conference.

42.1.2 With the parent/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 or early childhood curriculum coordinator.

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/guardian.

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.

43.1.1 This system must verify the location of individual children when a child does not remain with his or her entire class.

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

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

PART IV 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 building(s) 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 five 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 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/lead renovator) to perform any renovation/repair in a pre-1978 child-occupied facility.
 - 45.2.3.1 Records of any renovation or repair work must be forwarded to OCCL within five 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.
 - 45.2.4 Programs operating in buildings owned by public schools are exempt from subsection 45.2 but must follow DOE's hazardous material policies.
- 45.3 A licensee shall ensure radon testing is performed once every five years between the months of October and March and within six months after any remodeling, renovations, or construction.

- 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 five 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.

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/licensee obtains indoor air sampling as required per 7 DE Admin. Code 1375 that shows there is no impact to the center.

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 three feet above floor level unless there is conflict with federal and State energy laws.
 - 48.5.1 For centers licensed after January 1, 2007, 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 four 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.

49.0 Indoor Space

- 49.1 A licensee shall show evidence of security procedures that ensures access to children is limited to authorized people.
- 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 of the center in a clean 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.

50.0 Kitchen and Food Preparation

50.1 At OCCL's request, a licensee shall contact DPH to determine whether the center requires a Food Establishment permit.

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.

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 up foods brought from children's homes in the microwave.

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:

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 40° 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 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 dirt.

50.10.1 All food items must be stored off the floor.

50.10.2 Food must be stored separate 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.

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 one sink with warm running water and one operable window or ventilation fan. All door locks, if present, must be designed to permit staff members to open the locked door readily.
- 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 ten children.
 - 51.2.2 School-age children must have at least one 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 two 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 one toilet and sink when fewer than 20 children are served and at least two toilets and sinks when more than 20 children are served.
- 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/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.

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 drainage water on the premises; 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 two 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 inside and out, 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 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 four feet in height with openings no larger than 3½ inches.
- 53.8.3 A licensee shall ensure fenced areas have at least two exits, with at least one being 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. 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 (see CPSC website at <https://www.cpsc.gov/s3fs-public/325.pdf>).
- 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 six 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.

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

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.

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 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 have 700 square feet of open indoor play space.

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 seven feet in height.

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/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 not needing to rest/sleep must have at least 30 minutes of quiet play daily.
- 56.1.3 Full staff/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/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 two 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/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.

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/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/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, three or four 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/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 for children over 24 months old, developmentally-appropriate supplies or equipment are provided in quantities as described in subsection 57.1 in each of the following categories:

57.3.1 Language/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 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, exposed bolts, or small loose pieces.
- 57.5 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.
- 57.6 A licensee shall ensure equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the program.
- 57.7 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.
- 57.8 A licensee shall prohibit toys that explode or shoot objects.

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:

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

- 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.

59.0 Hand Washing

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

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

60.0 Standard Precautions

60.1 A licensee shall ensure Standard Precautions are used to protect against disease and infection. Spills of body fluids (i.e. urine, feces, blood, saliva, and discharges from the nose, eyes, an injury, or other tissue) 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/guardian at pick up.

60.1.4 Mops must be cleaned, rinsed, disinfected, wrung, and hung to dry.

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/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.

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 two 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 six 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 five days of antibiotic treatment;

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

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

62.1.21 Measles, until four days after appearance of rash;

62.1.22 Rubella, until seven 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 three 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 62.0.
- 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 parents/guardians are notified when their child has been exposed to a contagious disease or condition.
- 62.6 A licensee shall report reportable communicable disease to DPH. For information on these diseases, the licensee shall contact DPH or refer to their website (currently listed as <http://www.dhss.delaware.gov/dhss/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.

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 trained 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 trained staff member.
 - 63.1.1 OCCL only allows staff members who are at least 18 years old to be trained on the information in the Administration of Medication Self-Study Training Guide as described in Appendix IV to give medication to children. 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/guardian for each medication to be administered is required.
 - 63.1.3 Unused medication must be returned to the parent/guardian when no longer needed by the child.
- 63.2 A licensee shall ensure that the parent/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, giving medication to the wrong child, giving the medication by the wrong route, or accidental spills of medication.
 - 63.5.2 Adverse effects or errors in administering must be immediately reported to the parent/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 Section 14.0.
 - 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/guardian shall provide the licensee with the following information, when medication is administered by non-intravenous injection:
 - 63.6.1 Written parent/guardian permission for the center to provide the requested medical care; and
 - 63.6.2 A written statement from the child's physician 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 physician shall provide instructions including information about: the type of training, who may provide such training (which may include the child's parent/guardian), and any other instructions needed to provide the requested 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 physician. 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/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/guardian and physician 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 Section 63.0, with written parent/guardian permission and written physician 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 is encouraged, but not mandated pursuant to these regulations. However, if an agency, administrative body, court, or other entity responsible for enforcing Federal, State, and local laws and regulations (including but not limited to the Americans with Disabilities Act and the Delaware Equal Accommodations Law) 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.

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/guardian is notified immediately after staff members have assisted the child and contacted an ambulance, if needed.

64.1.1.1 Serious injuries as described in the definitions.

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

64.1.2 A less serious accident or injury requires parent/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 child, date of injury, description of injury, how it occurred, first aid or medical care provided, and parent/guardian/authorized release person's signature.

64.1.3.2 The parent/guardian shall be provided a copy of the report on the day of the accident/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/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/dental treatment other than first aid provided at the center, as described in Section 14.0.

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 dressing;
- 65.2.11 Pen/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/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/guardians' home and work phone numbers, and the Poison Control Center phone number.

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 12-15-passenger van to transport children is prohibited unless purchased or leased by the facility before July 1, 1998. Official dated proof of purchase or lease is required.

- 67.2 A licensee shall ensure when transporting children that the driver, when employed by the center, and vehicle, when owned or leased by the center, comply with all applicable federal and State laws.
- 67.3 A licensee shall ensure children are transported using child-safety restraints as required by State and federal laws.
- 67.4 The driver shall be at least 21 years old, have a valid driver's license that authorizes the driver to operate the vehicle being driven, and a comprehensive background check confirming eligibility to be alone with children during transport.
- 67.4.1 The driver does not need to be qualified by Delaware First.
- 67.4.2 The driver may not transport more children and adults than the vehicle's capacity.
- 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 A child preschool-age or younger must only be transported on a school bus that is properly equipped with child safety restraints.
- 67.6.1 With written parent/guardian permission, a child preschool-age or younger may be transported on a school bus unrestrained.
- 67.6.2 A licensee shall explain to parent(s)/guardian(s) in writing that while child safety restraints on school buses for children preschool-age or younger are not currently required by State law, the National Highway Traffic Administration recommends that children in this age group always be transported using child safety restraints.
- 67.7 A licensee shall ensure vehicles used to transport children, including parent/guardian vehicles used for field trips (unless only transporting his or her own children), have and use the following:
- 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/guardian permission for transportation provided by the center.
- 67.10.1 A licensee shall document arrangements with the parent/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/guardian 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 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.

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/guardian permission before taking a field trip. The permission must state the location and date of the trip and who will provide transportation.

- 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/child ratios with a minimum of two staff members present at all times except when the children are school-age:

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

- 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/child ratio for field trip or routine program outing purposes only if not accompanied by other children who are not enrolled at the center.
- 68.4.3 A licensee shall ensure staff members or volunteering parents/guardians follow the transportation regulations when transporting children on field trips.

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 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/guardians of animals or pets kept or brought into the center.
- 69.6 Children may handle animals only with adult supervision.

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:

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

- 71.2 A licensee shall ensure meals and snacks are provided by a center except when:
- 71.2.1 The parent/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/guardian at the time of enrollment that meals or snacks are to be provided by the parent/guardian. The center must inform the parent/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/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 V and Appendix VI) 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 the home with written permission is required for a change of meal patterns.
- 71.8 A licensee shall ensure when a parent/guardian requests a change of meal patterns due to a family's food preferences or religious beliefs, the parent/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 V, 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 V, 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 V, 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 his or her 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.

72.0 Feeding of Infants

- 72.1 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 from each of the required food groups including breast milk or formula.
- 72.2 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 required food groups including breast milk or formula.

- 72.3 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 each of the required food groups including breast milk or formula.
- 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/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/guardian daily. Feeding problems must be discussed with the parent/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/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/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/guardian and are required once an infant is eight months old unless the parent/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 until they are able to drink from a cup unless by written parent/guardian request;
- 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/guardian;
- 72.16 Unused bottles must also be dated as to when prepared if not returned to the parent/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 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.
 - 72.20.3 Refrigerated, unused, expressed breast milk that was never frozen must be returned to the parent after 48 hours.
 - 72.20.4 Breast milk that was frozen and stored in a freezer at 0° F must be thrown away after six months.

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

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/guardians and staff, unless the plan is given to a parent/guardian in advance and available electronically for viewing. Upon request, the plan must be provided to parents/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. A licensee shall allow services to be provided at the center for a child with these plans.
 - 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 or food exploration/healthy habits, such as talking about healthy habits or comparing the taste/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.

75.0 Activity Areas

- 75.1 A licensee shall ensure for children 24 months and older, 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/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/Problem solving, such as puzzles, small construction toys, or objects to sort.

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/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 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 his or her 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/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.

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.

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/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/sleep. Staff members are to observe the infant for normal breathing, signs of distress, and to be ready to respond in case of emergency.

78.0 Interactions with Infants

- 78.1 A licensee shall ensure staff members interact with infants. Staff members shall use activities and interactions, such as those found in the Delaware Early Learning Foundations including the following:
 - 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.

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. 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.

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. 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 VI, Additional Provisions for School-Age Only Centers.

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

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 A licensee shall ensure each child is provided with sleep equipment as listed in Section 56.0.
- 84.4 For children sleeping four or more hours at the center between the hours of 10:00 PM and 6:00 AM, the licensee shall provide the following:
 - 84.4.1 An infant must sleep in a crib, playpen, or pack-and-play;
 - 84.4.2 A child under 18 months old who does not walk must sleep in a crib, playpen, or pack-and-play;
 - 84.4.3 A child between 12 and 18 months old who walks may sleep on a bed with safety rails with written parent/guardian permission;
 - 84.4.4 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
 - 84.4.5 A pillow with a pillowcase for each child in a bed.
- 84.5 A licensee shall ensure that each child has clean and comfortable sleeping garments.

85.0 Bathing and Grooming

- 85.1 A licensee shall follow the parents/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/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.

PART VII 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 Subsection 26.5 (Staffing Ratio);
 - 86.2.2 Subsection 49.7 (General Safety Practices - Outlet Covers);
 - 86.2.3 Section 42.0 (Documenting Children's Progress);
 - 86.2.4 Subsection 45.2 (Lead-paint Risk Assessments, when operating in a public school);
 - 86.2.5 Section 56.0 (Sleeping accommodations; unless there are children who nap/sleep at the school-age center);
 - 86.2.6 Subsection 57.2 (Equipment);
 - 86.2.7 Section 61.0 (Diapering);
 - 86.2.8 Sections 71.0 and Section 72.0 (Infant and Toddler Food and Nutrition);
 - 86.2.9 Subsection 74.2.4 (Sensory Play);

86.2.10 Section 77.0 (Infant and Toddler Care);

86.2.11 Section 78.0 (Interactions with Infants);

86.2.12 Section 79.0 (Interactions with Toddlers);

86.2.13 Subsection 80.1 (Interactions with Preschool Children); and

86.2.14 School-age only programs located in a public or private school are exempt from the covered trashcan requirement found in subsection 49.12.

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 21 years old and is fully qualified as an early childhood administrator with at least 15 clock hours of approved training in school-age care or meets the following education requirements:

| <u>Education</u> | <u>Area of Study/Major</u> | <u>Regionally Accredited College or University Credits¹</u> | <u>Experience²</u> |
|--|-----------------------------------|--|--|
| <u>At least a bachelor's degree or associate degree from a regionally accredited college or university</u> | <u>All areas of study</u> | <u>Successful completion of at least 15 credit hours from a regionally accredited college or university with at least three credit hours in each of the following areas: child development/learning, environment/curriculum, social-emotional development, observation/assessment; and at least one three-hour school-age elective of the learner's choice</u> | <u>12 months of experience working with children kindergarten through sixth grade in a group</u> |
| <u>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 a school-age administrator.</u> | | | |
| <u>² Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.</u> | | | |

87.2 School-Age Site Coordinator

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

| <u>Education</u> | <u>Area of Study/Major</u> | <u>Regionally Accredited College or University Credits¹</u> | <u>Experience^{2,3}</u> |
|--|----------------------------|---|--|
| <u>At least a high school diploma or equivalent recognized by DOE</u> | <u>Any</u> | <u>Successful completion of at least 12 college or university credits in recreation, elementary education, school-age care, or school-age administration</u> - or - <u>Successful completion of at least 6 college or university credits 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</u> | <u>6 months of experience working with children kindergarten through sixth grade in a group</u> |
| <u>At least a high school diploma or equivalent recognized by DOE</u> | <u>Any</u> | <u>Successful completion of the School-age Bundle offered by the Delaware Institute for Excellence in Early Childhood</u> | <u>12 months of experience working with children kindergarten through sixth grade in a group</u> |
| <u>¹ A school-age credential may substitute for three college or university credits when issued by DOE or other approved agencies.</u> | | | |
| <u>² Three months of supervised student teaching of children kindergarten through sixth grade may substitute for six months of the required experience.</u> | | | |
| <u>³ Supervised experience may substitute for half of the required experience.</u> | | | |

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:

| <u>Education</u> | <u>Area of Study/Major</u> | <u>Regionally Accredited College or University Credits or Quality-Assured Training</u> | <u>Experience¹</u> |
|--|----------------------------|---|---|
| <u>High school diploma or equivalent recognized by DOE</u> | <u>All areas of study</u> | <u>Successful completion of three credits in recreation, elementary education, school-age care, or school-age administration</u> <u>- or -</u> <u>45 clock hours of quality-assured training related to the needs of the school-age children served</u> | <u>Part-time employment for one school year from September to June providing education/care to children kindergarten through sixth grade in a group</u> <u>- or -</u> <u>Full-time employment during the majority of one summer season (June through August) providing education/care to children kindergarten through sixth grade in a group</u> |
| <u>High school diploma or equivalent recognized by DOE</u> | <u>All areas of study</u> | <u>Successful completion of at least 15-clock- hours of quality-assured training in school-age care</u> | <u>Part-time employment from September to June for two school years or full-time employment for one school year providing education/care to children kindergarten through sixth grade in a group</u> <u>- or -</u> <u>Full-time employment during the majority of two summer seasons (June through August) providing education/care to children kindergarten through sixth grade in a group</u> |
| <u>¹Supervised experience may substitute for half of the required experience.</u> | | | |

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 his or her 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/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; 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 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; and

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

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 his/her direct care.

87.5.4 A school-age aide always must be under the direct observation of at least a school-age site assistant.

87.5.5 school-age aide may not be alone with children.

87.5.6 A school-age aide will count in the staff/child ratio only during the first 12 months of employment at a single center or affiliated center.

88.0 Staffing

88.1 A licensee shall ensure a school-age center has a qualified school-age administrator who functions in that role. When a school-age administrator is responsible for more than one center, the school-age administrator is required to visit each school-age center for at least 30 consecutive minutes each week. This visit is to be documented.

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

88.3 A licensee shall ensure the school-age administrator or school-age site coordinator is present at least 50% of the hours of operation.

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

88.5 A licensee shall ensure a school-age center has at least one school-age site assistant.

88.6 A licensee shall ensure when a school-age administrator or school-age site coordinator is not present at the school-age center, an assigned staff member that at least meets the qualifications of school-age site assistant is present and 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.

88.7 When 75% of center's population consists of school-age children, the center may operate with a school-age administrator and an early childhood curriculum coordinator who are each onsite 20 hours per week when care is provided. Preschool-age and younger children must be supervised by the appropriate early childhood qualified staff members. During the summer months, the early childhood curriculum coordinator shall be onsite 60% of the hours of operation while children are in care.

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.
- 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.

APPENDICES

APPENDIX I

Center Initial License Application

<http://regulations.delaware.gov/register/january2019/proposed/Appendix I Center Initial License Application.pdf>

APPENDIX II

Center Renewal and Relocation License Application

<http://regulations.delaware.gov/register/january2019/proposed/Appendix II Center Renewal and Relocation License Application.pdf>

APPENDIX III

Immunizations

<http://regulations.delaware.gov/register/january2019/proposed/Appendix III Immunizations.pdf>

APPENDIX IV

Administration of Medication Self-Training Guide

<http://regulations.delaware.gov/register/january2019/proposed/Appendix IV Administration of Medication Self-Training Guide.pdf>

APPENDIX V

Child Meal Patterns

<http://regulations.delaware.gov/register/january2019/proposed/Appendix V Child Meal Patterns.pdf>

APPENDIX VI

Infant Meal Patterns

<http://regulations.delaware.gov/register/january2019/proposed/Appendix VI Infant Meal Patterns.pdf>

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

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

22 DE Reg. 574 (01/01/19) (Prop.)