

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES

OFFICE OF CHILD CARE LICENSING

Statutory Authority: 29 Delaware Code, Section 9003(7) and 31 Delaware Code, Sections 341-345
(29 Del.C. §9003(7); 31 Del.C. §§341-345)
9 DE Admin. Code 103

PROPOSED

PUBLIC NOTICE

103 Family Child Care Homes

SUMMARY

The Office of Child Care Licensing (OCCL) proposes to amend the DELACARE: Rules for Family Child Care Homes and DELACARE: Rules for Large Family Child Care Homes. These regulations were combined into one regulation after it was determined that the majority of the content was the same. A comprehensive review process was held in which all providers were invited to attend public meetings in July 2016 to offer comments on the current Rules. After these meetings, a draft was created incorporating best practices and provided to a task force of providers and stakeholders. The task force met four times to discuss the draft and revise it.

COMMENTS

Interested parties wishing to offer comments on these proposed regulations or submit written suggestions, data, briefs, or other materials concerning the proposed regulations must submit them to Kelly McDowell, Office of Child Care Licensing, 3411 Silverside Road, Concord Plaza, Hagley Building Wilmington, Delaware 19810, by email to Kelly.McDowell@state.de.us, or by using OCCL's website <http://kids.delaware.gov/occl/announcements.shtml>. Anonymous comments may be submitted by using OCCL's website. Comments must be submitted by the close of business on October 31, 2016. It is anticipated that this will be the final opportunity to offer comments on these proposed regulations. Regulations 103 and 104 were stricken in their entirety.

103 Family Child Care Homes

4.0 Legal Base

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

2.0 Purpose

~~The overall purpose of these Rules is the protection and promotion of the health, safety, well-being, and positive development of children who receive licensed child care services in Family Child Care Homes.~~

PART I. GENERAL PROVISIONS

3.0 Definition of Regulated Service

~~Family Child Care is a licensed child care service provided for part of a twenty-four (24) hour day, offered by a person who advertises or holds himself or herself out as conducting such a service on a regular basis, unattended by parent or guardian, and receives compensation for the service. This person has in custody or control one (1) to a maximum of six (6) children preschool-age or younger who live at and/or are present at the Family Child Care Home. In addition to the children preschool-age or younger, this person may also have custody or control of one (1) to a maximum of three (3) school-age children who do not live at the Family Child Care Home but are present only for before and after school, and/or during school holidays, and/or school vacation during the summer. All of these children are provided care, education, protection, supervision or guidance in the person's private homes. This does not include a child care service provided exclusively to~~

relatives as defined by these Rules.—Service is provided for part of the twenty four (24) hour day, unattended by parent or guardian, and for compensation.

4.0 Definition of Terms

"Administrator" means the individual responsible for the supervision and administration of the Office of Child Care Licensing.

"Administrative Action" means the term applied to a group of enforcement actions initiated by the Office of Child Care Licensing against an Applicant or Licensee.

"Administrative Appeal Hearing" means the hearing provided to an Applicant or Licensee when the Applicant or Licensee has requested an appeal of the Division's decision to deny an application or revoke a Family Child Care License.

"Administrative Review Hearing" means the hearing provided to a Licensee when the Licensee has requested an appeal of the Office of Child Care Licensing's decision on violations of these Rules.

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

"Agreement of Understanding" means a formal written document that is part of an administrative action, part of a corrective action plan, or used when a formal agreement is deemed necessary between the Licensee and the Office of Child Care Licensing which clearly explains and memorializes what actions a Licensee must take in order to maintain licensure.

"Applicant" means any person applying for a Family Child Care License through the Office of Child Care Licensing.

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

"Business Day(s)" means any weekday Monday through Friday. It does not include any weekend day (Saturday and Sunday) or any State of Delaware legal holiday that falls on a weekday.

"Change of Shift" means the two (2) hour period of time overlapping between two (2) full shifts of child care. A full shift shall be at least eight (8) hours long.

"Child" means any person who has not reached the age of eighteen (18) years.

"Child Abuse" means the abuse of a child as defined in **Delaware Code**, Title 16, Chapter 9.

"Child Care" means the providing of care, education, protection, supervision or guidance of children in a Family Child Care Home.

"Child Care Licensing Specialist" means an employee of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing regulatory activities including investigations, enforcement actions and decisions for licensure as set forth in Delaware Code and these Rules.

"Child Care Licensing Supervisor" means an employee of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing supervisory and regulatory activities including investigations, enforcement actions and decisions for licensure as set forth in Delaware Code and these Rules.

"Child Neglect" means the neglect of a child as defined in **Delaware Code**, Title 16, Chapter 9.

"Child Sex Abuse" means any act against a child that is described as a sex offense as defined in **Delaware Code**, Title 11, Subsection 761 (d) or in subpart D. "sexual offenses" of subchapter I of Chapter 5 of Title 11 of the **Delaware Code**.

"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(s) or impairment(s) which would require modification(s) in the regular program of activities for that child or as defined by applicable Federal and State Laws.

"Clock Hour(s)" means the actual number of hours or time a licensee or staff member spends attending the instructional portion of a training to develop or enhance child care competencies.

"Complaint" means an accusation that a Licensee is not in compliance with these Rules or any applicable laws. Complaints may be written or oral and may be anonymous.

"Complaint Investigation" means the process followed by the Office of Child Care Licensing to effectively investigate an accusation that a Licensee is not in compliance with these Rules or any applicable laws. The Licensee is notified of the complaint generally at the time of an unannounced visit regarding the particular complaint(s) and a written report is created stating the results of the investigation to the Licensee.

"Corrective Action Plan" means a plan developed with the Licensee by the Office of Child Care Licensing which specifies any non-compliance, what the Licensee shall do to become compliant, and the time frame in which the non-compliance shall be corrected.

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

"Denial" means the refusal by the Office of Child Care Licensing to issue a Family Child Care License after the receipt of an original or renewal application and the completion of an investigation. This constitutes refusal of official permission for the Applicant or Licensee to provide regulated service.

"Direct Voice Contact" means a Licensee speaking directly with a Child Care Licensing Specialist, Child Care Licensing Supervisor, or the Administrator from the Office of Child Care Licensing through a telephone call or face-to-face contact. A voice mail message is not acceptable and does not constitute direct voice contact.

"Division" means the Division of Family Service within the Department.

"Division Director" means the Director of the Division of Family Services within the Department.

"Family Child Care Home" means a private home in which a Licensee resides and provides a licensed child care service.

"Family Child Care License" means a formal written document issued by the Office of Child Care Licensing permitting a person to operate a Family Child Care Home and verifying that he/she has demonstrated compliance with the *Delaware: Rules for Family Child Care Homes* and the applicable codes, regulations, and laws.

"Health Care Provider" means a professionally licensed physician, advance practice nurse, (nurse practitioner), or physician assistant, such license being issued by an established licensing body.

"Household member(s)" means persons living together permanently or temporarily without regard to whether they are related to each other by marriage or blood and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the household.

"Infant" means any child who is under the age of twelve (12) months.

"Informal Conference" means a meeting between the Office of Child Care Licensing and the Licensee to discuss non-compliance of a serious or repeated nature which, if not corrected on time and in an acceptable manner, may result in administrative action.

"Institutional Child Abuse or Neglect" means child abuse or neglect which has occurred to a child in the Department's custody and/or while placed in a facility, center or home operated, contracted or licensed by the Department.

"Licensee" means the person who is issued the Family Child Care License, has legal responsibility for the Family Child Care Home, resides in the Family Child Care Home, provides child care, has control over the furnishings and use of space, and meets the qualifications and requirements of a Licensee as defined in these Rules.

"Licensure" means the issuing of a Family Child Care License by the office of Child Care Licensing when the Applicant has demonstrated compliance with *Delaware: Rules for Family Child Care Homes* and applicable codes, regulations, and laws.

"Meal" means breakfast, lunch, or dinner.

"Night Child Care" means child care provided in the evening and/or overnight between the hours of 8:00 P.M. and 6:00 A.M.

"Office of Child Care Licensing" means the governmental organization within the Department authorized under **Delaware Code**, Title 31, Chapter 3, Subchapter III, to prescribe, by regulations or otherwise, any reasonable standards for the conduct of child care facilities, institutions, agencies, associations or organizations and may license such of these to conform to such standards.

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

"Preschool-Age Child" means a child who is between thirty-six (36) months and five (5) years of age who is not yet attending a public or private kindergarten program outside of the Family Child Care Home. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program that child shall be considered in the preschool-age group until attending kindergarten or first grade which ever comes first.

"Private Home" means a non-public residence such as a house, duplex, townhouse, apartment or mobile home where the Licensee resides and has control over the furnishings and use of space. An individual unit in public housing and university housing complexes may be considered a private home.

"Regularly or on a regular basis" means child care services which are available and provided at a Family Child Care Home on more than one (1) day in any one (1) week or for periods longer than three (3) weeks in any calendar year.

"Relative" means a person having any of the following relationships by blood, marriage, or adoption between the Licensee, Substitute, household member and the child in child care: parent, grandparent, great-grandparent, brother, sister, aunt, uncle, stepparent, stepbrother, and stepsister. A cousin, for the purpose of this definition, shall not be considered a relative.

"Revocation" means the process of rescinding a Family Child Care License during the effective dates of the Family Child Care License. If the process concludes with the decision of the Secretary of the Department to revoke the Family Child Care License, the Licensee shall cease operation of a Family Child Care Home within thirty (30) days of the decision.

"Rule(s)" means a baseline or minimum standard required for a particular aspect of child care provided in a Family Child Care Home as established by the Office of Child Care Licensing and known as *Delaware: Rules for Family Child Care Homes*. A Licensee of a Family Child Care Home may and is encouraged to exceed the baseline or minimum standard required by these Rules.

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

"School-age care" means child care for school-age children who attend kindergarten or higher grade in a public or private school outside of the Family Child Care Home and are present at the Family Child Care Home during any of the following circumstances: before and/or after school; during school holidays; and/or summer months.

"School-age Child" means any child age five (5) years or older who is attending kindergarten or higher grade outside of the Family Child Care Home. A child shall be considered school-age beginning the first day attending kindergarten or first grade; whichever comes first.

"Snack" means supplemental food served between meals.

"Substitute" means an adult designated by the Licensee, and approved by the Office of Child Care Licensing to provide child care in the Family Child Care Home when the Licensee is not present due to emergency or specific planned, non-emergency situation(s) and who meets the qualifications and requirements of Substitute as defined in these Rules.

"Supervision" means the Licensee or Substitute is physically present in the area or room where the children are being cared for and is constantly aware of where each child is, what each child is doing, how each child is managing, and is readily available to respond to each child's requests and any emergency.

"Suspension Hearing" means an informal hearing between the Division Director or his/her designee, and the Licensee in order to determine whether the Family Child Care License remains suspended.

"Suspension Order" means a notice issued by the Office of Child Care Licensing to the Licensee directing that Family Child Care services be discontinued on a specified date. The Licensee shall not provide Family Child Care services during the term of a Suspension Order.

"Toddler" means a child between the age of twelve (12) months and under thirty six (36) months.

"Training" means the successful participation in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing in order to develop or enhance child care competencies of the Licensee and Substitute of the Family Child Care Home.

"Variance" means the nontransferable written authorization issued by the Division after the Licensee has demonstrated an alternative means by which to meet the intent of a specific Rule. A variance is a conditional approval to operate outside of these Rules and is based on the need(s) or circumstance(s) of the Licensee and Family Child Care Home and does not endanger the health, care, safety, protection and supervision of children in child care.

PART II. FAMILY CHILD CARE LICENSURE

5.0 Requirement for a Family Child Care Licensure

A person shall not operate or a Family Child Care Home provide child care services as defined in these Rules unless a Family Child Care License to do so is issued by the Office of Child Care Licensing. Anyone who operates a Family Child Care Home without a license violates Delaware Code, Title 31, Chapter 3, Subchapter III, The Delaware Child Care Act and shall be fined not more than \$100 or imprisoned not more than three (3) months, or both.

6.0 Authority To Inspect

- 6.1 ~~The Licensee, adult household member(s), and Substitute shall permit access to the Family Child Care Home during the hours of operation by representatives of the Office of Child Care Licensing and other State or local officials with responsibilities for monitoring, approving, or authorizing the use or safety of a Family Child Care Home, or provides payment for services provided at the Family Child Care Home.~~
- 6.2 ~~The Licensee, adult household member(s), and Substitute shall respond to and cooperate with requests from representatives of the Office of Child Care Licensing, and other authorized State or local officials and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care including access to and request for information, files and records, and unlicensed space of the Family Child Care Home for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws including suspected child abuse and neglect.~~
- 6.3 ~~The Licensee shall not impede and shall permit the interview of him or herself, household members, Substitute, any child in child care, and the parent(s)/guardian(s) of a child in child care by representatives of the Office of Child Care Licensing, and other authorized State or local officials for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws.~~

7.0 Application Process

- 7.1 ~~The Applicant shall attend informational and orientation sessions as provided by the Office of Child Care Licensing to receive information on the *Delacare: Rules for Family Child Care Homes* and the licensure process.~~
- 7.2 ~~The Applicant shall successfully complete the application process as described in Rules 7.2 – 7.13 within a time period as established by the Office of Child Care Licensing.~~
- 7.3 ~~The Applicant shall apply for a Family Child Care License on a form provided by the Office of Child Care Licensing. An application shall be required for initial licensure. A renewal application received by the Office of Child Care Licensing at least thirty (30) days prior to the expiration date of a Family Child Care License shall be required when seeking to continue the operation of a Family Child Care Home.~~
- 7.4 ~~The Applicant shall sign a statement which certifies that he/she:~~
 - 7.4.1 ~~Has read and understands these Rules;~~
 - 7.4.2 ~~Intends to maintain compliance with these Rules and any other applicable codes, regulations, and laws;~~
 - 7.4.3 ~~Intends to provide child care for children throughout the majority of the licensure period(s);~~
 - 7.4.4 ~~Has provided information that is true to the best of his/her knowledge; and~~
 - 7.4.5 ~~Will not discriminate on the basis of sex, race, religion, cultural heritage, disability, marital status, or economic status.~~
- 7.5 ~~The Applicant shall demonstrate to the satisfaction of the Office of Child Care Licensing that he/she and the Family Child Care Home is in compliance with applicable provisions of these Rules, and any other applicable codes, regulations, and laws to qualify for a Family Child Care License.~~
- 7.6 ~~The Applicant shall submit a completed and signed application including all required materials to the Office of Child Care Licensing and when applicable, any other authorizations, inspections, or documents that state any limitations on the use of a home and/or property through deed restrictions, homeowners' association, lease or rental agreements, or as required by codes, regulations, or laws such as, but not limited to, the Division of Public Health, City or State Fire Marshal, Division of Revenue, Department of Natural Resources and Environmental Control, Land Use or Zoning.~~
- 7.7 ~~The Applicant shall provide written proof of an electrical inspection of the Family Child Care Home conducted by an inspection agency that is approved by the State Fire Marshal.~~
- 7.8 ~~The Applicant shall submit documentation of current certification in cardiopulmonary resuscitation (CPR) and completion of a current first aid course each applicable to the ages of the children in child care.~~
- 7.9 ~~The Applicant shall provide three (3) written letters of reference from three (3) adults who are familiar with the Applicant but who are not related to the Applicant. These references shall verify that the Applicant is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.~~
- 7.10 ~~The Applicant shall sign a release of employment history form provided by the Office of Child Care Licensing that permits the Office of Child Care Licensing to obtain service letters as per Delaware Code, Title 19, Chapter 7, Section 708 from a current or most recent previous employer for him or herself, and any health care and/or child care facility for which the Applicant was employed within the past five (5) years of application for initial licensure.~~

- 7.10.1 If an Applicant has no prior employment history, five (5) letters of reference as specified in Rule 7.9 shall be required to be provided.
- 7.11 The Applicant, all household member(s), and Substitute shall provide or authorize the release of information required to determine that the health, safety or welfare of any child in child care would not be at risk.
- 7.11.1 The applicant, household member who is eighteen (18) years of age or older, and Substitute shall be fingerprinted by the Delaware State Police for Family Child Care.
- 7.11.2 The Office of Child Care Licensing may, when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, request consent from a parent/guardian for a background check on a household member under eighteen (18) years of age.
- 7.11.3 The Office of Child Care Licensing may, when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, request medical, psychological, counseling, school, probation and/or Division of Family Services records.
- 7.11.4 The applicant shall sign a release for the results of an adult abuse registry check through the Department of Health and Social Services.
- 7.12 The Applicant shall provide written evidence of health appraisals attesting to his/her health, the health of any adult household members, and Substitute.
- 7.12.1 The written report from a health care provider shall have been completed within one (1) year prior to the date of initial licensure and include, at a minimum:
- 7.12.1.1 Health history;
 - 7.12.1.2 Physical exam;
 - 7.12.1.3 Vision and hearing screening;
 - 7.12.1.4 Freedom from communicable tuberculosis (Tb) verified within one (1) year prior to the date of initial licensure, with further testing every five (5) years;
 - 7.12.1.5 A review of immunization status (such as measles, mumps, rubella, diphtheria, tetanus, and polio);
 - 7.12.1.6 A review of occupational health concerns;
 - 7.12.1.7 Assessment of need for vaccines against illnesses such as but not limited to, influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and
 - 7.12.1.8 Assessment of health related limitations or communicable diseases that may impair a person's ability to perform the child care or have direct access to children.
- 7.13 The Applicant shall provide health appraisals for children preschool age or younger and not yet attending kindergarten, including school age children who are not attending a public or private school and are living in the Family Child Care Home as specified in Rule 29.1.

8.0 Annual Family Child Care License

- 8.1 The annual Family Child Care License shall be issued when the Office of Child Care Licensing determines that the Applicant and Family Child Care Home are in compliance with applicable provisions of these Rules.
- 8.2 The Licensee shall maintain compliance with applicable provisions of these Rules and all other applicable local, State and Federal codes, regulations, and laws throughout the licensure period(s).
- 8.3 The annual Family Child Care License shall be issued only to the Licensee and for the address of the Family Child Care Home shown on the application. A Family Child Care License is not transferable, assignable or subject to sale.
- 8.4 The annual Family Child Care License shall be effective for one (1) year from the date of issuance, unless it is:
- 8.4.1 Modified to a provisional Family Child Care License;
 - 8.4.2 Revoked;
 - 8.4.3 Surrendered prior to the expiration date;
 - 8.4.4 Nullified; or
 - 8.4.5 Suspended.
- 8.5 The Licensee shall post the Family Child Care License inside the Family Child Care Home in the area where child care is provided and visible to parent(s)/guardian(s).
- 8.6 The Licensee shall comply with any restrictions on the maximum number of children in child care which may be placed upon the Family Child Care Home by the Office of Child Care Licensing and or other applicable agencies' codes, regulations and laws such as those related to fire safety and zoning.

9.0 Provisional Family Child Care License

- 9.1 A provisional Family Child Care License may be issued when a Licensee is temporarily unable to comply with all of these Rules and the Office of Child Care Licensing has determined that:
- 9.1.1 There is no serious risk to the health, safety and well-being of the children;-
 - 9.1.2 The Licensee has agreed to fulfill and operate under conditions as stated in a written corrective action plan as developed by the Office of Child Care Licensing and the Licensee;-
 - 9.1.3 The Licensee demonstrates to the Office of Child Care Licensing of intent to comply with the corrective action plan; and
 - 9.1.4 The Licensee demonstrates good faith efforts to achieve compliance but requires additional time to achieve compliance with applicable provisions of these Rules.
- 9.2 A provisional Family Child Care License may be replaced with an annual Family Child Care License when the Licensee makes a written request to the Office of Child Care Licensing after the corrective action plan is completed by the Licensee and approved by the Office of Child Care Licensing in advance of the expiration date of the provisional Family Child Care License.-

10.0 Family Child Care License Renewal

- 10.1 The Licensee shall be required to renew a Family Child Care License annually.
- 10.1.1 An annual Family Child Care License shall expire one (1) year from the date of issuance.
- 10.2 At least ninety (90) calendar days before the expiration of the current Family Child Care License, the Licensee shall make a request to the Office of Child Care Licensing by direct voice contact or in writing to obtain the Family Child Care License renewal application materials.
- 10.3 The Licensee shall submit a fully completed, signed and notarized Family Child Care License application form and all required materials to the Office of Child Care Licensing at least thirty (30) calendar days prior to the expiration of current Family Child Care License.

11.0 Notification to the Office of Child Care Licensing

- 11.1 A Licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's business hours of the death of a child while in child care. If the death occurs after such business hours, the Licensee shall immediately call the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).
- 11.2 A Licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact during the Office of Child Care Licensing's business hours if any of the following occur:
- 11.2.1 Any fire; flood; or any other serious damage due to any natural or man-made disaster(s) that impact the ability to operate safely;
 - 11.2.2 Injury of a child while in the child care at a Family Child Care Home requiring inpatient or outpatient treatment. The direct voice contact shall be followed by a written report on a form provided by the Office of Child Care Licensing;
 - 11.2.3 Suspected abuse or neglect of a child enrolled at the Family Child Care Home after immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the suspected abuse or neglect;
 - 11.2.4 Any subsequent charges, arrests, or convictions of himself/herself, the Substitute or household member;
 - 11.2.5 Any involvement with the Department due to child abuse or neglect of himself/herself, the Substitute, or household member; or
 - 11.2.6 Any breakdown of equipment that could pose a threat to the health and safety of children in child care, including but not limited to, lack of operating toilets, interruption of running water, loss of telephone service, failure of smoke/fire alarm system, and failure of cooling or heating systems so that temperatures cannot be maintained within limits of Rule 34.5.
- 11.3 The Licensee shall notify the Office of Child Care Licensing within five (5) business days by direct voice contact and follow-up in writing to his/her assigned Child Care Licensing Specialist when there is a change in the:
- 11.3.1 Telephone number of the Family Child Care Home;
 - 11.3.2 Shift(s) of child care provided;
 - 11.3.3 Composition of household;
 - 11.3.4 Substitute; or
 - 11.3.5 Intended use of a Substitute as specified in Rule 23.6.
- 11.4 The Licensee shall notify and receive approval by the Office of Child Care Licensing for any change in physical space or rooms prior to being used for child care at the Family Child Care Home.

- 11.5 The Licensee shall report to the Office of Child Care Licensing in writing or by direct voice contact at least thirty (30) days in advance of a change in address of the Family Child Care Home. A new Family Child Care License shall be required at the new address prior to providing child care services at the new address.

12.0 Nullification of Family Child Care License

- 12.1 A Family Child Care License shall immediately become null and void when the following occurs:
- 12.1.1 The Licensee no longer resides at the Family Child Care Home for which the Family Child Care License was issued;
 - 12.1.2 The Licensee changes the location of the Family Child Care Home;
 - 12.1.3 The Licensee surrenders the Family Child Care License to the Office of Child Care License;
 - 12.1.4 The Family Child Care License has been denied;
 - 12.1.5 The Family Child Care License has been revoked; or
 - 12.1.6 The Family Child Care License has expired.

13.0 Complaint Investigation

- 13.1 The Office of Child Care Licensing shall investigate when a complaint is received regarding *Delacare: Rules for Family Child Care Homes*. The Office of Child Care Licensing shall notify the Licensee that a complaint is being investigated. The results of the Office of Child Care Licensing's investigation shall be reported in writing to the Licensee investigated. If the complaint is substantiated or if other violations are found as a result of the investigation, the Licensee shall be required to correct the violations and come into compliance with these Rules and any applicable Federal, State or local laws or regulations.
- 13.1.1 Complaints relating specifically to codes, regulations, or laws of other State and local agencies may be referred to the appropriate agency for investigation. At the time of the referral, the Office of Child Care Licensing shall request a report from the other State and local agency on the investigation findings to determine compliance with *Delacare Rules for Family Child Care Homes*.
- 13.2 The Office of Child Care Licensing shall investigate a reported unlicensed Family Child Care Home and require the individual(s) providing unlicensed Family Child Care to cease operation upon notice from the Office of Child Care Licensing.
- 13.3 The Department of Services for Children, Youth and their Families, Division of Family Services, Office of Children's Services, Institutional Abuse Investigation Unit shall investigate when a complaint is received regarding the abuse or neglect of a child at the Family Child Care Home. Law enforcement shall be notified and will conduct an investigation of any complaint that may constitute a crime.

14.0 Denial, Suspension, or Revocation Of A Family Child Care License

- 14.1 The Division may deny an application, suspend, or revoke a Family Child Care License for good cause, for reasons including but not limited to the following:
- 14.1.1 Failure to comply with applicable provisions of State Law(s) or these Rules;
 - 14.1.2 Violation of the terms or conditions of the Family Child Care License corrective action plan, or agreement of understanding;
 - 14.1.3 Use of fraud, intentional or negligent misrepresentation in obtaining a Family Child Care License or in the subsequent operation of the Family Child Care Home;
 - 14.1.4 Refusal to furnish information, files, and records to representative(s) of the Office of Child Care Licensing and other authorized State or local officials for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, and any other applicable codes, regulations, and laws;
 - 14.1.5 Refusal to permit access to the Family Child Care Home during the hours of operation by representatives of the Office of Child Care Licensing and other State and officials with responsibilities for monitoring, approving, or authorizing the use or safety of a Family Child Care Home, or provides payment for services provided at the Family Child Care Home;
 - 14.1.6 Refusal to respond to and cooperate with requests from representatives of the Office of Child Care Licensing, and other authorized State or local officials and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care including access to unlicensed space of the Family Child Care Home for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws including suspected child abuse and neglect.

- 14.1.7 Engagement in any activity, policy, practice or conduct that adversely affects or presents a serious or imminent danger, or risk thereof to the health, safety or well-being of children;
 - 14.1.8 Conduct that otherwise demonstrates unfitness by the Licensee or Substitute to operate a Family Child Care home; or
 - 14.1.9 Operation of any activity not permitted under local, State or Federal law at the Family Child Care Home.
- 14.2 If the health, safety or well-being of children in child care is in serious or imminent danger, or risk thereof, the Office of Child Care Licensing may immediately suspend the Family Child Care License upon issuance of a suspension order. The suspension order may be verbal or written. Any verbal suspension order shall be followed by a written suspension order. Upon notification from the Office of Child Care Licensing of the initial suspension order, the Licensee shall cease operation of the Family Child Care Home. The written suspension order shall state the reason(s) for the suspension. Within ten (10) business days after the issuance of the written suspension order, the Licensee may relinquish the Family Child Care License to the Office of Child Care Licensing or request a suspension hearing. Upon request of the Licensee for a suspension hearing, the Division Director or his/her designee shall schedule a suspension hearing within ten (10) business days of the Licensee's request. The Division Director or his/her designee will make a determination if the suspension order will be continued.

15.0 Appeal

- 15.1 If the Division intends to deny an application, or revoke a Family Child Care License, the Division shall mail a notice of intent to deny or revoke the Family Child Care License to the Licensee. Such notice shall specify the Licensee's right to appeal the decision by requesting an administrative appeal hearing. The Licensee shall request an administrative hearing within ten (10) business days of receipt of the notice.
- 15.2 If a written request or a verbal request made by direct voice contact for an administrative appeal hearing is received by the Division within ten (10) business days of the date the notice of the intent to deny or revoke was received, the Division shall schedule an administrative appeal hearing within thirty (30) business days from the date the request for an administrative appeal hearing is received, unless for good cause, the Hearing Officer grants postponement or the parties agree to postponement.
- 15.3 The administrative appeal hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the administrative appeal hearing.
- 15.4 If a Licensee requests an administrative appeal hearing within ten (10) business days of the date the notice of intent to deny or revoke was received, the existing Family Child Care License shall remain in effect until an official written decision has been rendered subsequent to the administrative appeal hearing. The Office of Child Care Licensing shall have the authority to suspend the Family Child Care License immediately whenever the health, safety or well-being of children in child care is in serious or imminent danger or risk thereof.
- 15.5 If a Licensee does not make a request for an administrative appeal hearing within ten (10) business days of the date the notice of intent to deny or revoke was received, the action in such notice seeking to deny or revoke a Family Child Care License shall become final and binding without any further right of review and take effect thirty (30) business days after the issuance of the notice. However, where stated in the Division's notice, if the health, safety or well-being of children in child care is in serious or imminent danger or risk thereof, denial or revocation shall be effective immediately upon the issuance of a written notice by the Division.

16.0 Rule Variances

- 16.1 Upon the written request of an Applicant or Licensee, the Division may grant a variance from these Rules if the Applicant or Licensee has documented to the satisfaction of the Division that the intent of the specific Rule shall be satisfactorily achieved in a manner other than that prescribed by the Rule and that the health, safety or well-being of children in child care is not in serious or imminent danger or risk thereof.
- 16.2 The Division may require a Licensee to provide notice of a variance request to the parent(s)/guardian(s) with children in the Family Child Care Home to offer them the opportunity to provide input on the variance request to the Division.
- 16.3 The Division shall render its decision on the request for variance in writing, including the conditions and Rule for which the variance is granted, and shall send a signed copy of the decision to the Applicant or Licensee. A copy of the decision shall be maintained on file by the Division and the Applicant or Licensee.
- 16.4 The variance may be, at the Office of Child Care Licensing's discretion, time-limited or indefinite but shall only remain in effect for as long as the Licensee continues to satisfactorily achieve the intent of the Rules, conditions of the variance, and maintain the health, care, safety, protection, supervision, or guidance of children in child care.

- 16.5 The Division shall monitor the Licensee's compliance with the variance. If the Licensee fails to comply with the variance, the Division shall initiate necessary enforcement action and may revoke the variance.

~~PART III. PROVISIONS FOR OPERATION OF A FAMILY CHILD CARE HOME~~

~~17.0 General Qualifications and Requirements of Licensee, Household Members, and Substitute~~

- ~~17.1 The Licensee and Substitute shall be able to read, understand, and carry out these Rules.~~
- ~~17.2 The Licensee and Substitute shall have the ability to do the following:~~
- ~~17.2.1 Understand and respect children and their families and culture;~~
 - ~~17.2.2 Meet the needs of children including, but not limited to, meeting their physical needs such as feeding and diapering;~~
 - ~~17.2.3 Supervise children to ensure their safety and health during all activities of child care;~~
 - ~~17.2.4 Support children's physical, intellectual, social and emotional growth;~~
 - ~~17.2.5 Deal with emergencies in a calm manner; and~~
 - ~~17.2.6 Carry out methods of positive behavior management as stipulated in these Rules.~~
- ~~17.3 The Licensee, household members, and Substitute shall not have any conviction, current indictment, outstanding warrant, or substantial evidence of involvement in:~~
- ~~17.3.1 Any activity involving violence against a person;~~
 - ~~17.3.2 Child abuse or neglect;~~
 - ~~17.3.3 Possession, sale or distribution of illegal drugs;~~
 - ~~17.3.4 Sexual misconduct;~~
 - ~~17.3.5 Gross irresponsibility or disregard for the safety of others; or~~
 - ~~17.3.6 Serious violations of accepted standards of honesty or ethical behavior.~~
 - ~~17.3.6.1 The Department may, at its own discretion, make exceptions to the above Rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined by **Delaware Code**, Title 16, Chapter 9, Subchapter II, Subsection 923.~~
- ~~17.4 The Licensee shall ensure that within five (5) business days of a current household member turning eighteen (18) years of age, an individual who is eighteen (18) years of age or older becoming a new household member, or a new Substitute is designated, such individual is fingerprinted by the Delaware State Police for Family Child Care. The Licensee shall provide verification of such fingerprinting to the Office of Child Care Licensing within fourteen (14) business days of when the fingerprinting occurred.~~
- ~~17.4.1 The Office of Child Care Licensing may, when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, request consent from a parent/guardian for a background check on a household member under eighteen (18) years of age.~~
- ~~17.5 The Licensee shall ensure that household members eighteen (18) years of age and older and Substitutes are not left alone with children in child care at the Family Child Care Home until the results of all background checks are completed, suitability is determined and such household members and Substitute are approved by the Office of Child Care Licensing.~~
- ~~17.6 Any person who has relinquished or otherwise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment or loss of custody, for consideration in determining the suitability of licensure at the Family Child Care Home.~~
- ~~17.7 Any person who has been convicted of any offense defined as child sex abuse in Delaware Code, Title 11 shall not reside or provide child care in a Family Child Care Home.~~
- ~~17.8 The Licensee shall ensure that copies of his or her health appraisal, the health appraisal of adult household members, and Substitute are kept on file in the Family Child Care Home and updated to be consistent with household composition.~~
- ~~17.9 The Licensee, household members, and Substitute shall provide written documentation from a health care provider for the follow-up for known health problems to the Office of Child Care Licensing for the purposes of determining whether the health problem might create a significant risk to children.~~
- ~~17.10 The Licensee, household members and Substitute shall not be diagnosed or under treatment for any serious mental illness which might create a significant risk of harm to children and shall provide written documentation from a health care provider to the Office of Child Care Licensing for the purposes of determining whether a mental illness might create a significant risk to children.~~

- 17.11 ~~The Licensee, Substitute, household member(s), and any person present in the Family Child Care Home shall not consume or be under the influence of alcohol, illegal drugs or substances, misuse prescription or non-prescription medications any of which adversely affects the ability to provide child care and operation of the Family Child Care Home.~~
- 17.12 ~~The Licensee shall have no other employment during the hours that children are in child care.~~
- 17.13 ~~The Licensee shall ensure that providing child care is the primary focus during the hours of operation of the Family Child Care Home. The Licensee shall not participate or allow participation by the Substitute in activities that distract from providing child care during that time. Examples of such distracting activities include but are not limited to:~~
 - 17.13.1 ~~Socializing or entertaining friends, family or others;~~
 - 17.13.2 ~~Using, playing with, or watching television, VCR's, DVD's, computers or other electronic equipment;~~
 - 17.13.3 ~~Unnecessarily communicating with others on the telephone, cell phone, computer, or other communication equipment;~~
 - 17.13.4 ~~Doing intensive housework, household chores, home repairs, or remodeling tasks; and~~
 - 17.13.5 ~~Involving oneself in hobbies, craft making, or leisure pursuits.~~
- 17.14 ~~The Licensee shall not provide care for individuals requiring convalescent or nursing care at the Family Child Care Home during the hours children are in child care.~~
- 17.15 ~~The Licensee shall not provide foster care at the Family Child Care Home for children or adults without the prior written approval of the Department.~~
 - 17.15.1 ~~The decision for dual service shall be made by the Administrator based upon the recommendation of the Child Care Licensing Specialist and Foster Home Coordinator of the placing agency. The recommendation shall consider the specific needs of potential child care children and foster care placements.~~
 - 17.15.2 ~~The written approval shall include the number and ages of children/adults to be cared for in each program in accordance with requirements.~~
 - 17.15.3 ~~The decision for dual service shall be reviewed periodically.~~
 - 17.15.4 ~~Foster care children of preschool age and younger shall be counted in the capacity of the Family Child Care Home.~~
- 17.16 ~~The Licensee or Substitute shall be responsible for the supervision of any child in the Family Child Care Home at all times.~~
- 17.17 ~~The Licensee shall ensure that children of any age present at the Family Child Care Home are not responsible for performing child care duties at any time.~~

18.0 Qualification Process

- 18.1 ~~A Licensee and, when applicable, Substitute, shall submit written documentation such as copies of training certificates, transcripts, and/or diplomas to the Office of Child Care Licensing which successfully demonstrates meeting the qualifications for a particular Level and any other required training as stated in these Rules.~~
 - 18.1.1 ~~Other training may be acceptable when demonstrated to be equivalent to meeting the qualifications in these Rules. The Licensee shall provide documentation which supports his/her assertion that other training meets the qualification. The Office of Child Care Licensing shall make the final determination if the other training is equivalent to the qualifications.~~

19.0 Qualifications – Level I Family Child Care Home

- 19.1 ~~The Licensee shall be at least eighteen (18) years of age and have at least a high school diploma or its equivalent to qualify as a Level I Family Child Care Home.~~
 - 19.1.1 ~~The Licensee shall successfully complete twelve (12) clock hours of training within the first year of licensure. This training shall be approved by the Office of Child Care Licensing specifically for qualifying for Level I Family Child Care Home and include at least three (3) clock hours in each of the following topic areas: Child Development, Educational Activities for Children, Positive Behavior Management, and Families/Communities.~~
 - 19.1.2 ~~The training as stated in the above subsection shall count toward the first year's annual training requirement as per Rule 22.1 if successfully completed.~~
- 19.2 ~~The Licensee who, before the effective date of these Rules, was licensed as Level I Family Child Care Home may continue to qualify based on *Delacare: Requirements for Family Child Care Homes (1994)* and provide child care as a Level I Family Child Care Home. The qualification as stated in the Rule 20.3.1 – 20.3.3, shall be required in addition to any Level II Family Child Care Home qualifications when moving from Level I Family Child Care Home to Level II Family Child Care Home.~~

20.0 Qualifications – Level II Family Child Care Home

- 20.1 ~~A Licensee shall request approval from the Office of Child Care Licensing when wanting to move from a Level I Family Child Care Home to a Level II Family Child Care Home. The Licensee shall not operate as a Level II Family Child Care Home until receiving written approval from the Office of Child Care Licensing which states the new level and the total number of children served.~~
- 20.2 ~~The Licensee shall have the following experience to qualify as a Level II Family Child Care Home:~~
- ~~20.2.1 Twenty-four (24) months of experience working with children in a group setting; or~~
 - ~~20.2.2 Three (3) months of supervised student teaching with children in a group setting; or~~
 - ~~20.2.3 Twenty-four (24) months providing child care as a Licensed Level I Family Child Care Home with no substantiated complaints, or substantial noncompliance.~~
- 20.3 ~~The Licensee shall be at least eighteen (18) years of age and have at least a high school diploma or its equivalent, and successfully complete one of the following to qualify as a Level II Family Child Care Home:~~
- ~~20.3.1 Sixty (60) clock hours of training with a minimum of three (3) clock hours in each of the following core topic areas: Child Development, Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, and Professionalism/Business Practices/Administration related to operating a Family Child Care Home or child care facility.~~
 - ~~20.3.2 Three (3) college/university credits in courses related to any of the following core topic areas: Child Development, Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, and Professionalism/Business Practices/Administration related to operating a Family Child Care Home or child care facility; or~~
 - ~~20.3.3 Qualified as at least an Early Childhood Assistant Teacher as per *Delacare: Rules for Early Care and Education and School-Age Centers (2007)*.~~
- 20.4 ~~The Licensee who, before the effective date of these Rules, was licensed as a Level II Family Child Care based on *Delacare: Requirements for Family Child Care Homes (1994)* shall have two (2) years from the effective date or no later than January 1, 2011 to meet one (1) of the qualifications as required in Rule 20.3.1–20.3.3.~~
- ~~20.4.1 Failure to meet one of the qualifications as required in Rule 21.1 on or before January 1, 2011 shall result in the Licensee being lowered to a Level I Family Child Care Home based on the *Delacare: requirements for Family Child Care Homes (1994)*, which includes the accompanying decrease in licensed capacity.~~

21.0 First Aid and CPR Training

- 21.1 ~~The Licensee and Substitute used for planned, non-emergency situations as stated in Rules 23.6.2, 23.6.3, 23.6.4 and 23.7 shall have:~~
- ~~21.1.1 Proof of current First Aid training or First Aid training taken every three (3) years if there is no expiration date;~~
 - ~~21.1.2 Proof of current certification in cardiopulmonary resuscitation (CPR); and~~
 - ~~21.1.3 The First Aid training and CPR certification shall be in accordance with the ages of the children enrolled in the Family Child Care Home at any given time.~~

22.0 Annual Training

- 22.1 ~~The Licensee shall successfully complete at least twelve (12) clock hours of annual training as accepted or approved by the Office of Child Care Licensing.~~
- ~~22.1.1 Annual training shall be within at least three (3) different core areas associated with ensuring health, safety or enhancing quality in child care in the Family Child Care Home as specified under 22.1.3 of this Rule.~~
 - ~~22.1.2 Annual training may be within one (1) or two (2) core areas if the Licensee is applying credits earned for successfully completing a college/university course or the training is six (6) or more clock hours in length.~~
 - ~~22.1.3 Topics shall include the following core areas: Child Development, Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, Professionalism, and Business Practices/Administration related to operating a Family Child Care Home or child care facility.~~
- 22.2 ~~The Licensee shall complete annual training during the time period beginning at the start date and ending at the expiration date of the Family Child Care License.~~

23.0 Use of a Substitute (Also see Rules 17.1 -17.16 and 21.1)

- 23.1 ~~The Licensee shall at minimum have an arrangement with a Substitute who is at least eighteen (18) years of age and available to assist in an emergency situation which is defined as an unplanned event or condition such~~

~~as a serious or sudden illness, accident, or urgent circumstance requiring the immediate attention of the Licensee.~~

- ~~23.2 The Licensee shall ensure that the name, address and telephone number of the Substitute is provided to the Office of Child Care Licensing and posted with other emergency numbers in the Family Child Care Home.~~
- ~~23.3 The Licensee shall document on the form provided by the Office of Child Care Licensing that a Substitute is oriented to these Rules and the policies and procedures of the Family Child Care Home and has had the opportunity to ask questions and receive clarification before providing child care.~~
- ~~23.4 The Licensee shall review written information as provided by the Office of Child Care Licensing on safe sleeping practice, risk reduction of Sudden Infant Death Syndrome (SIDS), and child abuse and neglect reporting with a Substitute before he/she provides child care.~~
- ~~23.5 The Licensee shall ensure the Substitute has access to each child's file in the Family Child Care Home and has been informed of any special or emergency information about each child and any issues of confidentiality regarding a child's information.~~
- ~~23.6 The Licensee shall have the choice to close the Family Child Care Home or use a Substitute who provides child care in the Family Child Care Home in the absence of the Licensee. Prior notification to and approval for the use of the Substitute from the Office of Child Care Licensing is not required in the following situations:
 - ~~23.6.1 Emergencies as defined in Rule 23.1;~~
 - ~~23.6.2 Medical appointments;~~
 - ~~23.6.3 School appointments; or~~
 - ~~23.6.4 Time off for up to one (1) full week.~~~~
- ~~23.7 The Licensee shall have the choice to close the Family Child Care Home or use a Substitute who provides child care in the Family Child Care Home. Prior notification (see Rule 11.3) to and approval for the use of the Substitute from the Office of Child Care Licensing is required in the following situations:-
 - ~~23.7.1 Participating in training/classes held for three (3) or more sessions, student teaching, internship or practicum related to meeting qualifications, or annual training requirements as required under these Rules;~~
 - ~~23.7.2 Time off for more than one (1) full week with child care provided in the Family Child Care Home in the absence of the Licensee; or~~
 - ~~23.7.3 Medical or maternity leave for more than one (1) full week with child care provided in the Family Child Care Home and the Licensee remaining in attendance at the Family Child Care Home.~~~~
- ~~23.8 The Licensee shall inform the parent(s)/guardian(s) in advance whenever a Substitute will be caring for their children unless it is an emergency situation that does not allow time for notification. This notification shall include the identity of the Substitute.~~

24.0 General Family Child Care Capacity and Licensee to Child Ratio

- ~~24.1 The actual number of children allowed at the Family Child Care Home or total capacity at any given time shall be determined by the Licensee's experience, qualifications, ages of the children living in and/or present the Family Child Care Home; and the amount of usable space for child care in the Family Child Care Home.~~
- ~~24.2 Any child preschool-age or younger, living in and/or present in the Family Child Care Home shall count toward the total capacity.~~
- ~~24.3 Any school-age child living in and/or present at the Family Child Care Home who is not attending a public or private school outside of the Family Child Care Home shall count toward the total capacity and will be required to take the place or slot of a child preschool-age or younger.~~
- ~~24.4 Any school-age child living in and present at the Family Child Care Home shall not count toward the total capacity of children if attending a public or private school outside of the Family Child Care Home.~~
- ~~24.5 Any school-age child not living in and/or present at the Family Child Care Home shall count toward the total capacity and may attend only for before and/or after school, and/or during school holidays, and/or school vacation in the summer.~~
- ~~24.6 A Level I Family Child Care Home shall be licensed to provide child care as follows:
 - ~~24.6.1 Total of five (5) children preschool-age or younger; and no additional school-age children that do not live in the Family Child Care Home;
 - ~~24.6.1.1 No more than two (2) of the five (5) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and~~
 - ~~24.6.1.2 No more than three (3) of the five (5) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or~~~~~~

- 24.6.2 Total of four (4) children preschool-age or younger and two (2) additional school-age children that do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer;
 - 24.6.2.1 No more than two (2) of the four (4) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and
 - 24.6.2.2 No more than three (3) of the four (4) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or
- 24.6.3 Total of six (6) school-age children who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer; and no children preschool-age or younger.
- 24.6.4 Other combinations of age groupings of children shall be possible when staying within the limits of the maximum number of children allowed for an age group and for this Level, see examples in the Appendix, *Level I Family Child Care Home Ratios*.
- 24.7 A Level II Family Child Care Home shall be licensed to provide child care as follows:
 - 24.7.1 Total of six (6) children preschool-age or younger and three (3) additional school-age children who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer;
 - 24.7.1.1 No more than two (2) of the six (6) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and
 - 24.7.1.2 No more than three (3) of the six (6) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or
 - 24.7.2 Total of six (6) children preschool-age or younger and two (2) additional school-age children who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer;
 - 24.7.2.1 No more than two (2) of the six (6) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and
 - 24.7.2.2 No more than four (4) of the six (6) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or
 - 24.7.3 Total of five (5) children preschool-age or younger and no additional school-age children who do not live in the Family Child Care Home;
 - 24.7.3.1 No more than three (3) of the five (5) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and
 - 24.7.3.2 No more than four (4) of the five (5) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or
 - 24.7.4 Total of four (4) children under the age of twenty-four (24) months; and two (2) additional school-age children who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer;
 - 24.7.4.1 No more than three (3) of the four (4) children preschool-age or younger as mentioned above are under the age of twelve (12) months; or
 - 24.7.5 Total of nine (9) school-age children who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer; and no children preschool-age or younger.
 - 24.7.6 Other combinations of age groupings of children shall be possible when staying within the limits of the maximum number of children allowed for an age group and for this Level, see examples in the Appendix, *Level II Family Child Care Home Ratios*.

25.0 Change of Shift Ratio

A Licensee may provide child care for up to two (2) additional children, for up to a two (2) hour period of time overlapping between two (2) full shifts.

- 25.1 Change of shift child care shall only be provided if prior approval is received from the Office of Child Care Licensing.
- 25.2 The Licensee shall make a request in writing to the Office of Child Care Licensing and provide information on the ages of the children and exact time involved.
- 25.3 Before/after school child care shall not be provided when caring for additional children during a change of shift.
- 25.4 The number of children younger than twenty-four (24) months of age shall not be exceeded as specified in Rules 24.6 and 24.7 when caring for additional children during a change of shift.

26.0 Night Child Care Ratio

- 26.1 The Licensee shall provide child care for no more than four (4) children of any age when licensed as a Level I Family Child Care Home or no more than six (6) children of any age when licensed as a Level II Family Child Care Home when providing night child care in the evening and/or overnight. This includes children preschool-age or younger living in the Family Child Care Home who may sleep in his or her own bedroom.
- 26.1.1 The Licensee or Substitute shall remain awake at all times children are in child care.

27.0 Maximum Consecutive Hours of Child Care

- 27.1 The Licensee shall provide no more than seventeen (17) hours of child care within a twenty four (24) hour period with at least seven (7) consecutive hours of rest. No other employment shall be permitted during the hours of rest.
- 27.1.1 A Family Child Care Home licensed before the effective date of these Rules that offered child care for more than seventeen (17) hours shall have one (1) year from the new effective date or until January 1, 2010 to limit child care to no more than seventeen (17) hours within a twenty-four (24) hour period with at least a seven (7) hour period of rest.

PART IV. LICENSEE RESPONSIBILITIES

28.0 Enrollment

- 28.1 The Licensee shall provide any parent/guardian prior to enrolling a child in the Family Child Care Home with information as furnished by the Office of Child Care Licensing detailing his or her right to inspect the active record and complaint files, procedures for making complaints, and how to find the Rules concerning a Family Child Care Home as described in *The Parents Right to Know Act*. The Licensee shall have written verification that each parent/guardian has received this information by keeping the signed document in the child's file.

29.0 Child Health Appraisal

- 29.1 The Licensee shall ensure that upon enrollment or no longer than one (1) month following enrollment, an age appropriate health appraisal is on file for each child unless required to enroll without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws. The health appraisal shall have been conducted within the last twelve (12) months prior to admission and signed by a health care provider. Health appraisals shall be updated yearly for children preschool-aged or younger and not yet in kindergarten, including school-age children who are not attending a public or private school and are living in the Family Child Care Home, or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:
- 29.1.1 A health history;
- 29.1.2 A physical and behavioral examination;
- 29.1.3 Growth and development;
- 29.1.4 Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or child care;
- 29.1.5 Medical information pertinent to treatment in case of emergency;
- 29.1.6 Documentation of any recommended or required screening or testing such as for blood-lead or tuberculosis;
- 29.1.7 Documentation of the immunization status, with a listing of day, month and year of administration for each immunization required by the Division of Public Health as specified in Appendix, Recommended Childhood and Adolescent Immunization Schedule. For current information, the Licensee shall contact the Division of Public Health or refer to the CDC website - <http://www.cdc.gov/nip/recs/child-schedule.htm>.
- 29.1.7.1 The Licensee shall not permit a child to be admitted who is not age appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established (see below) or as required by law to be admitted without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws and regulations.
- 29.1.7.2 If a child has not received immunizations as required for his age, the Licensee shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Licensee within fourteen (14) days of the child's admission or as required by law such as specified

in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws and regulations.

~~29.1.7.3 If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Family Child Care Home until the immunizations have been obtained and written documentation is signed by the health care provider and has been submitted to the Licensee.~~

~~29.2 The Licensee shall ensure that for school-age children, a copy of the most recent health appraisal as required by the child's school is also on file at the Family Child Care Home.~~

~~29.3 The Licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis submits a notarized statement to the Licensee explaining that the exemption is in compliance with State law, or in the case where the health care provider provides written documentation that such immunizations may be detrimental to the child's health, the child will be exempt from the immunization requirement.~~

30.0 Parent(s)/Guardian(s) Communication

~~30.1 The Licensee shall have an organized system of respectful communication with parent(s)/guardian(s) that includes verbally discussing the following information during the enrollment process and on-going as needed:~~

~~30.1.1 Explaining that parent(s)/guardian(s) visits and monitoring of the Family Child Care Home are welcomed;~~

~~30.1.2 Explaining required nondiscriminatory practices and respect for each child's family and culture;~~

~~30.1.3 Consulting with parent(s)/guardian(s) about child care practices specific to their children's culture and community, and about providing as much consistency as possible in their child care practices especially concerning infants and toddlers;~~

~~30.1.4 Sharing an understanding that parent(s)/guardian(s) are of primary importance in children's development;~~

~~30.1.5 Identifying the on-going needs of the child including learning about parent(s)/guardian(s) preferences and goals and any concerns or special circumstances that may influence the child's development, behavior and learning;~~

~~30.1.6 Establishing a procedure for sharing each infant's feeding, sleeping, and other routine activities with the infant's parent(s)/guardian(s) at the end of each day;~~

~~30.1.7 Explaining safety procedures such as indoor and outdoor safety, fire safety, pets, first aid, smoking prohibited, and emergency planning;~~

~~30.1.8 Explaining sanitation procedures such as disinfecting, standard precautions, and diapering and toileting; and~~

~~30.1.9 Explaining typical routine child care practices such as program for children including activities and equipment and sleeping-napping accommodations including procedures for night child care, if provided.~~

~~30.2 The Licensee shall have an organized system of respectful communication with parent(s)/guardian(s) that incorporates the use of a written policy including information provided during the enrollment process and updated as needed on the following information:~~

~~30.2.1 A typical daily schedule;~~

~~30.2.2 Positive behavior management techniques;~~

~~30.2.3 Health including emergency health care, health exclusions, and prevention of outbreak of communicable diseases;~~

~~30.2.4 Food and nutrition;~~

~~30.2.5 Procedures for release of children;~~

~~30.2.6 Reporting of accidents, injuries or critical incidents;~~

~~30.2.7 Mandatory reporting of child abuse and neglect;~~

~~30.2.8 Administration of medication procedures;~~

~~30.2.9 The use of safe sleep procedures for infants;~~

~~30.2.10 The presence of any animals or household pets regardless of the location within the Family Child Care Home; and~~

~~30.2.11 If provided, transportation of children.~~

~~30.3 The Licensee shall ensure that parent(s)/guardian(s) have free access to areas of the Family Child Care Home used for child care during the hours child care services are being provided while their children are in child care.~~

31.0 Child File

- 31.1 The Licensee shall maintain an individual file for each child enrolled. The information in the file shall be obtained upon enrollment and updated at least annually or upon known changes to the information. The file shall contain the following information:
- 31.1.1 The child's full name, address, telephone number, and birth date;
 - 31.1.2 Home and work addresses and telephone numbers of parent(s)/guardian(s);
 - 31.1.3 Date of enrollment and hours/days child is scheduled to attend the Family Child Care Home;
 - 31.1.4 Name, address and telephone number of emergency contact person other than parent(s)/guardian(s);
 - 31.1.5 Name of person(s) authorized by parent(s)/guardian(s) to whom the child may be released;
 - 31.1.6 The name and telephone number of the child's health care provider, health appraisal reports, health insurance and policy number for the child, and if applicable, notarized statement regarding objection to immunization(s) or documentation from a health care provider regarding detrimental nature of immunization(s);
 - 31.1.7 If applicable, a written statement signed by the parent(s)/guardian(s) describing any special problems, medical, developmental, or educational needs of the child including allergies, existing illnesses, or injuries, previous serious illness or injuries and any prescription and non-prescription medication including those for both continuous, long-term and emergency situations;
 - 31.1.8 If applicable, written consents signed by parent(s)/guardian(s) for special dietary needs, emergency medical treatment, release of child, swimming activities, administration of medication and permission for transporting the child on a routine or off-premises basis;
 - 31.1.9 If applicable, relevant copies of court orders on custody and visitation arrangements provided by the parent(s)/guardian(s);
 - 31.1.10 Documentation of any notices required by the Federal, State, local governments or the Office of Child Care Licensing such as information specified in *The Parents Right to Know Act* signed by the parent(s)/guardian(s); and
 - 31.1.11 Reports of accidents, injuries or illnesses involving the child.
- 31.2 The Licensee shall keep emergency information about the child accessible at all times and ensure that such information will accompany the child any time the child is taken off the premises of the Family Child Care Home. This information shall include copies of the same information in the child's file except for the following:
- 31.2.1 Date of enrollment and hours/days child is scheduled to attend the Family Child Care Home;
 - 31.2.2 Documentation of any notices required by the Federal, State, local governments or the Office of Child Care Licensing – see Rule 31.1.10; and
 - 31.2.3 Reports of accidents, injuries or illnesses involving the child.
- 31.3 The Licensee shall not disclose or permit the use of any information pertaining to an individual child or family unless the parent(s)/guardian(s) of the child has granted written permission to do so, or except in the course of official duties by representative(s) of the Office of Child Care Licensing, Division of Family Services, or other entities with statutory responsibility for issues relating to the health, safety and protection of children.

32.0 Daily Attendance of Children

- 32.1 The Licensee shall ensure that daily attendance records are kept for children which identify the hours of the children's attendance each day.
- 32.2 The Licensee shall ensure that a system is established for taking attendance when the children arrive and depart the Family Child Care Home.

33.0 Release of Children

- 33.1 The Licensee or Substitute shall release children only to persons authorized by the parent(s)/guardian(s).
- 33.2 The Licensee shall have a written policy for the release of children that includes using the following procedures:
- 33.2.1 A process for documenting the release of a child from the responsibility of the Licensee or Substitute to an authorized person;
 - 33.2.2 A process for the emergency release of a child as requested by parent(s)/guardian(s);
 - 33.2.3 A process for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian; and
 - 33.2.4 A process to be followed when a person not authorized to receive a child, or a person who appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child.

- 33.3 The Licensee shall have a procedure to verify the identity of an authorized person who is not previously known to the Licensee or Substitute prior to releasing the child and keep written documentation of such verification in the child's file.
- 33.4 The Licensee shall ensure that when a parent/guardian calls the Family Child Care Home requesting emergency release of a child, the identity of the parent/guardian is verified prior to the release of the child to the authorized person.

PART V. PHYSICAL ENVIRONMENT

34.0 General and Fire Safety

- 34.1 The Licensee shall ensure that the physical facilities of the Family Child Care Home and grounds present no hazard to the health and safety of the children.
- 34.2 The Licensee shall ensure that the Family Child Care Home and its furnishings are kept in a clean and safe condition. All walls, floors, ceilings and other surfaces shall be clean and in good repair.
- 34.3 The Licensee shall ensure that the Family Child Care Home is kept free from rodent and insect infestation.
- 34.4 The Licensee shall ensure that screens in good repair are used on all windows, doors or other openings to the outside used for ventilation.
- 34.5 The Licensee shall ensure that any room in the Family Child Care Home used by the children is maintained at a minimum temperature of sixty-five (65) degrees Fahrenheit (F.) and a maximum of eighty-five (85) degrees F. unless there is a conflict with Federal and State energy Laws. The minimum and maximum temperatures shall be taken at floor level.
- 34.5.1 The Licensee shall be required to temporarily close the Family Child Care Home if the minimum or maximum room temperatures cannot be maintained during all of the hours of operation.
- 34.6 The Licensee shall be aware of extreme weather conditions such as storms producing excessive wind, rain (flooding), hail, sleet, and snow; poor air quality; heat and humidity including heat advisories; or cold temperatures including wind chill factors that could affect the well being or health of children. Children shall not be allowed to play outside during extreme weather conditions.
- 34.7 The Licensee shall ensure that all floor or window fans in the Family Child Care Home are inaccessible to children and bear the safety certification mark of a nationally recognized, independent, third party testing laboratory such as Underwriter Laboratories (UL).
- 34.8 The Licensee shall ensure that all heating and cooling equipment is safely shielded to prevent injury to children.
- 34.8.1 Any heating equipment prohibited under State Fire Code or Federal, State or local governmental agencies such as the following items: unvented fuel fired heating equipment, including, but not limited to portable, open flame, and kerosene space heaters shall not be used.
- 34.8.2 Hot water pipes, steam radiators, electric space heaters, and wood-burning stoves shall be equipped with protective guards, or insulated, or inaccessible to protect children against burns.
- 34.8.3 Electric space heaters shall be listed by a nationally recognized, independent third party testing laboratory such as Underwriter Laboratories (UL) and inaccessible to children, and stable.
- 34.8.4 Fireplaces shall be securely screened or equipped with protective guards while in use.
- 34.9 The Licensee shall ensure that protective covers are installed on all electrical receptacles in all areas accessible to the children.
- 34.10 The Licensee shall ensure that the Family Child Care Home has an in service cell or land line telephone.
- 34.11 The Licensee shall ensure that telephone numbers of the hospital, ambulance, police department, fire department and poison control center available for assistance in the area serving the location of the Family Child Care Home or as requested for use by parent(s)/guardian(s) of the child enrolled are posted on or near each telephone.
- 34.12 The Licensee shall ensure that an operable flashlight is accessible at all times.
- 34.13 The Licensee shall ensure that clear glass doors or low windows at or within twenty-four (24) inches of floor level in rooms used by children in child care at the Family Child Care Home are clearly marked with a vision strip such as a decal(s), sticker(s), rail(s), or mesh located at between one (1) and five (5) feet above floor level to reduce the risk of colliding with the glass.
- 34.14 The Licensee shall ensure that stairways over four steps, inside and outside, have railings when used by children at the Family Child Care Home. Safety gates approved by the American Society for Testing and Materials (ASTM) at stairways shall be used at all times when infants and toddlers are in child care.

- 34.14.1 If the physical characteristics of the Family Child Care Home do not permit the installation of a safety gate(s) in accordance with the manufacturer's instructions, then the Licensee shall have and adhere to a plan which will safely prevent the access of infants and toddlers to stairways.
- 34.15 The Licensee shall ensure that stairways, hallways, windows, and doors from rooms and from the Family Child Care Home are unobstructed—not blocked by furnishings or other materials that inhibit movement and are in working condition throughout the hours of operation.
- 34.16 The Licensee shall ensure that all areas in a Family Child Care Home that are more than two (2) feet above the floor or grade below, such as porches, elevated walkways and elevated play areas are provided with guards (barriers) to prevent falls over the open side. The height of the guards shall not be less than forty-two (42) inches high and measured vertically to the top of the guard.
- 34.17 The Licensee shall ensure that children are cared for on the ground level space in the Family Child Care Home including when night child care is provided.
- 34.17.1 One (1) level above or below ground level (for example, a split-level home) of the Family Child Care Home may be used if the vertical travel to that level is five (5) feet or less.
- 34.17.2 Child care shall not be provided on the second floor of the Family Child Care Home or on a level that requires climbing up a full flight of stairs or with a vertical travel of more than five (5) feet.
- 34.18 The Licensee shall ensure that every room used for child care has at least two exits or means of escape, at least one of which shall be a door or stairway providing unblocked travel to the outside of the Family Child Care Home at street or ground level. A second exit or means of escape may be a window which is easily opened, not more than forty-four (44) inches above the floor, and has an opening twenty (20) inches wide and twenty-four (24) inches high and opens to a total area of at least 5.7 square feet.
- 34.19 The Licensee may use the basement level space for children in child care only if there is at least one (1) door that exits directly to the outside at ground level with the vertical travel or stairway to the ground level not more than eight (8) feet and at least one of the following is in the basement of the Family Child Care Home:
- 34.19.1 One (1) window which is easily opened, is no more than forty-four (44) inches above the floor and has an opening twenty (20) inches wide and twenty-four (24) inches high and opens to a total of at least 5.7 square feet; or
- 34.19.2 Another door exits directly to the outside at ground level.
- 34.20 The Licensee shall ensure that each door used as an exit is not less than thirty-two (32) inches wide.
- 34.21 The Licensee shall ensure that every door lock in the rooms used by children in child care at the Family Child Care Home is designed to permit the opening of the locked door from the outside and the opening device is available to the Licensee or Substitute.
- 34.22 The Licensee shall ensure that every closet door latch in the rooms used by children in child care at the Family Child Care Home is designed so that children can open the door from inside the closet.
- 34.23 The Licensee may use a bathroom for the children in child care that is not on the ground level if that is the only bathroom in the house.
- 34.24 The Licensee shall ensure that no room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.
- 34.25 For a Family Child Care Home built before 1993 and licensed before the effective date of these Rules, the Licensee shall ensure that an operable smoke alarm which is listed by a nationally recognized testing laboratory is installed on the ceiling or six (6) to twelve (12) inches below the ceiling of each level of the Family Child Care Home and the basement.
- 34.25.1 All enclosed sleeping areas, such as a bedroom, shall have properly installed operable smoke alarms.
- 34.25.2 Smoke alarms shall be tested monthly. The monthly tests shall be documented in a log.
- 34.25.3 The batteries shall be replaced at least yearly.
- 34.26 For a Family Child Care Home licensed on or after the effective date of these Rules, moving from a Level I Family Child Care Home to a Level II Family Child Care Home, or relocating to a new address, the Licensee shall follow the fire safety codes and any on-going procedures as required by the State Fire Marshal or other Fire Marshal having jurisdiction over the area in which the Family Child Care Home is located.
- 34.26.1 Approval by the State Fire Marshal or other Fire Marshal having jurisdiction over the area in which the Family Child Care Home is located shall be provided to the Office of Child Care Licensing prior to offering child care services.
- 34.27 The Licensee shall ensure that operable carbon monoxide warning equipment listed by a nationally recognized testing laboratory is at least on the ground level near any sleeping area used by the children in child care at the Family Child Care Home. The equipment shall be installed in accordance with its listing and the manufacturer's instructions.

- 34.27.1 Carbon monoxide warning equipment shall be tested monthly. The monthly tests shall be documented in a log.
- 34.27.2 The batteries shall be replaced at least yearly.
- 34.28 The Licensee shall not be required to have carbon monoxide warning equipment when the Family Child Care Home has:
- 34.28.1 No garage or the garage is a separate structure from the Family Child Care Home; and
- 34.28.2 No fuel-fired equipment using fuels such as gas, oil, wood, and kerosene, and all equipment is electric such as the heater, hot water heater, oven, range, dryer, and fireplaces.
- 34.29 The Licensee shall ensure that an electrical inspection of the Family Child Care Home shall be conducted every three (3) years by an inspection agency as accepted by the Office of Child Care Licensing.
- 34.30 The Licensee shall ensure that at a minimum, a charged portable dry chemical fire extinguisher rated 1A-10 BC, is available in the kitchen, stored out of the manufacturer's container from which it was purchased, and is easily accessible. The extinguisher shall be used and maintained in accordance with the manufacturer's instructions.
- 34.31 The Licensee shall ensure that all flammable and hazardous materials, including matches and lighters, medicines, drugs, alcohol, cleaning materials, detergents, aerosol cans, plastic bags, firearms, ammunition, and other similar materials and objects are stored safely in areas inaccessible to children.
- 34.31.1 Firearms and ammunition, if present in the Family Child Care Home, shall be kept in a locked container or locked closet. Ammunition shall be kept separate from firearms.
- 34.32 The Licensee shall ensure that the Family Child Care Home's plumbing shall be kept in good working condition.
- 34.33 The Licensee shall ensure that the Family Child Care Home shall have at least one (1) flushing toilet and one (1) sink with hot and cold running water in the same indoor bathroom available for use by children in child care.
- 34.34 The Licensee shall ensure that garbage is kept in containers in an area inaccessible to children or securely covered.
- 34.34.1 Garbage and rubbish shall be removed daily from rooms used by children in child care.
- 34.34.2 Garbage and rubbish shall be removed from the Family Child Care Home premises on a regular basis but not less than once a week.

35.0 Kitchen (Also see Food Service and Nutrition Rule 50.0)

- 35.1 The Licensee shall ensure that the kitchen and all food preparation, storage and serving areas and utensils in the Family Child Care Home are kept clean and sanitary.
- 35.2 The Licensee shall ensure the kitchen in the Family Child Care Home has at least one (1) sink with hot and cold running water in the kitchen/food preparation area.
- 35.3 The Licensee shall ensure the Family Child Care Home has a refrigerator to keep perishable foods cold at forty (40) degrees F. or colder with a working thermometer in the refrigerator.
- 35.4 The Licensee shall ensure that a freezer is maintained so that food stored in the freezer stays frozen at zero (0) degrees F or colder) with a working thermometer in the freezer.
- 35.5 The Licensee shall ensure all dishes and utensils shall be air dried unless sanitized and dried in a dishwasher.
- 35.6 The Licensee shall ensure that all dishes, cups and glasses used by the children in child care are free from chips, cracks or other defects.
- 35.7 The Licensee shall ensure that each individual child has his or her own clean utensils – fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be fed with. Such utensils or equipment shall not be shared with another child during feeding.

36.0 Indoor Space

- 36.1 For the Family Child Care Home licensed before the effective date of these Rules, the Licensee shall ensure that the Family Child Care Home provides each child with adequate space for free movement and active play.
- 36.1.1 If the total capacity of the Family Child Care Home is increased, or the indoor space used by children at the Family Child Care Home is increased, the Licensee shall be required to ensure a minimum of twenty-five (25) square feet of indoor space for each child in child care,
- 36.2 For the Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that the Family Child Care Home has a minimum of twenty-five (25) square feet of indoor space for each child in child care that allows for free movement and active play. Measurements shall be from wall to wall

on the inside. Furniture that restricts children's free movement and active play shall be considered a deductible factor when determining square footage.

36.2.1 Toilet rooms, storage spaces, hallways, furnace rooms and other areas not used by children for sleep or play on a routine basis shall not be counted in computing required square footage.

37.0 Outdoor Play Area

37.1 The Licensee shall provide opportunities for vigorous play and large muscle activity with attention to the diverse needs of the children served and their abilities to participate either on the premises of the Family Child Care Home or within safe walking distance of the Family Child Care Home.

37.2 The Licensee shall ensure that any outdoor play area is inspected before children begin to play to make sure there are no hazards such as, but not limited to, animal feces, toxic plants, outdoor equipment, lawn mower, cooking grill, or debris, and that any play equipment is safe for use.

37.2.1 Tool sheds, garages, and other outdoor facilities shall not be accessible to children in child care and securely latched or locked to prevent children from entering.

37.2.2 Children shall be in constant view while outdoors and not allowed to go in unobservable areas such as behind shrubbery.

37.3 The Licensee shall ensure that the outdoor play area of the Family Child Care Home is fenced when hazards are in close proximity to that area. Such hazards include, but are not limited to, high traffic roads, water in streams, rivers, ponds, lakes, pools, railroads, steep embankments or drop-offs, and high voltage wires or poles/towers.—

37.3.1 Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and to allow observation of children.

37.3.2 Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3 ½) inches.

37.3.3 Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or such that small children cannot open it.

37.3.4 Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building.

37.4 For a Family Child Care Home licensed before the effective date of these Rules, the existing fencing of the Family Child Care Home 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 Rule 37.3.

37.5 The Licensee shall ensure that all outdoor play equipment is sturdy, safe, clean and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

37.6 The Licensee shall ensure that large outdoor play equipment is anchored firmly and not located on concrete or asphalt surfaces.

37.7 The Licensee shall ensure that all surfaces of the outdoor play area are made up of materials that do not present a safety or choking hazard, are free of unsafe contaminants such as steel wires and any unhealthy residue from deterioration of the materials used.

37.8 The Licensee shall ensure that if using gravel or stone-like surfacing, only pea gravel shall be acceptable as cover for the outdoor play area.

37.9 For a Family Child Care Home licensed before the effective date of these Rules, the existing gravel or stone-like surfacing shall be acceptable. The Licensee shall ensure that when replacing gravel or stone-like surfacing, only pea gravel shall be acceptable as per Rule 37.8.

37.10 The Licensee shall ensure that outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner. Separate outdoor sandboxes shall be covered when not in use.

38.0 Riding Toys

38.1 A Licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.

38.2 A Licensee shall prohibit the use of motorized riding toys by children at the Family Child Care Home during the hours of operation.

38.3 The Licensee shall ensure that all children wear approved safety helmets while riding outside on bicycles and tricycles that have foot pedals.

38.3.1 Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. All interior and exterior surfaces of the helmet shall be wiped clean between users.

38.3.2 Helmets shall be removed before allowing children to use playground equipment unless a helmet has been medically prescribed by a health care provider for the safety of a particular child.

39.0 Swimming

- 39.1 The Licensee shall ensure that all children shall be under direct observation and supervision at all times while children are wading or swimming. During any swimming activity involving infants and/or toddlers, the children shall be within arm's length of the Licensee.
- 39.1.1 Permanent or built-in type swimming pools and wading pools that are left filled when not in use shall be inaccessible to children when not being used by the children.
- 39.1.2 The water in swimming pools used by children in child care shall be treated, cleaned and maintained in accordance with health practices and regulations as determined by the Division of Public Health.
- 39.1.3 The pool structure and associated equipment shall be maintained in a safe manner and be free of hazards.
- 39.1.4 Small portable wading pools shall be thoroughly cleaned and disinfected after each use.

40.0 Pets

- 40.1 The Licensee shall ensure that any animals or household pets at the Family Child Care Home are vaccinated as prescribed by law.
- 40.1.1 Animals shall be cared for in a safe and sanitary manner.
- 40.1.2 Animals shall only be handled by children under close supervision of the Licensee Substitute, or adult household member responsible for that pet.
- 40.1.3 Animals such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds (birds of the parrot family), or any other animals that are known to be carriers of illnesses, or are sick with a disease(s) that can be spread to humans shall not be kept in rooms used by children in the Family Child Care Home.
- 40.1.4 Litter boxes or any container or materials used for collecting or containing animal feces or urine shall not be kept in rooms used by children in the Family Child Care Home.
- 40.1.5 Parent(s)/guardian(s) shall be informed of the presence of any animals or household pets regardless of the location within the Family Child Care Home.

41.0 Smoking Prohibited

- 41.1 The Licensee shall ensure that smoking is prohibited during the hours of operation of the Family Child Care Home when children attending the Family Child Care Home are present anywhere inside the Family Child Care Home, in the outdoor play area, while transporting children, and in the presence of children when off premises of the Family Child Care Home.

42.0 Emergency Planning

- 42.1 The Licensee shall have a written emergency plan describing procedures for both natural and man-made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat or terrorist attack.
- 42.1.1 The emergency plan shall include procedures for training household member(s) and the Substitute, when applicable, about specific responsibilities during a disaster, accounting for all children, relocation process (if appropriate) and contacting appropriate emergency response agencies and parent(s)/guardian(s).
- 42.2 The Licensee shall have a posted written plan or diagram showing how the Family Child Care Home will be evacuated during an emergency.
- 42.2.1 Monthly evacuation drills shall be practiced from all exit locations at varied times during the hours of operation of the Family Child Care Home and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, who participated, the number of children who participated, and the total amount of time necessary to evacuate the Family Child Care Home.
- 42.3 The Licensee shall develop a written plan for procedures to shelter-in-place (staying indoors) at the Family Child Care Home for up to seventy-two (72) hours/three (3) days due to a natural or man-made disaster.
- 42.3.1 This plan shall include a list of emergency supplies for the child care of children and others present including procedures for feeding children and others present during the extended stay at the Family Child Care Home.

43.0 Child Health

- 43.1 ~~The Licensee shall ensure that each child is observed upon arrival and checked for common signs of communicable diseases, physical injury or other evidence of ill health.~~
- 43.2 ~~The Licensee shall have a written plan for the routine and emergency health care of children including procedures to be followed in case of illness and plans for accessing emergency services. The Substitute shall receive a copy of this plan and be trained in its implementation. Parent(s)/guardian(s) shall be given a copy of this plan at the time of enrollment. The plan shall include:~~
- 43.2.1 ~~Procedures to be followed in case of illness or emergency, including methods of transportation and notification of parent(s)/guardian(s);~~
- 43.2.2 ~~Procedures to be followed in case of illness or emergency, when parent(s)/guardian(s) cannot be reached;~~
- 43.2.3 ~~Policies regarding administration of medication; and~~
- 43.2.4 ~~Plans for the management of communicable disease including the following:~~
- 43.2.4.1 ~~The list of symptoms of illness for which a child will be excluded from the Family Child Care Home or sent to his or her own home if symptoms occur after the child has been admitted for the day as specified in Rule 43.3;~~
- 43.2.4.2 ~~The list of reportable communicable diseases for which a child will not be admitted to the Family Child Care Home without a written statement from a health care provider as specified in Rule 43.5.1; and~~
- 43.2.4.3 ~~A written notice to the parent(s)/guardian(s) whenever an outbreak or exposure to a reportable communicable disease is known to have occurred.~~
- 43.3 ~~The Licensee shall not permit a child who has symptoms of illness specified below to be admitted or remain in the Family Child Care Home unless written documentation from a health care provider, or verbal approval with written follow-up, states the child has been diagnosed and the illness poses 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:~~
- 43.3.1 ~~Temperature: infants four (4) months old and younger, equivalent to 100 degrees or greater even if there has not been a change in behavior;~~
- 43.3.2 ~~Temperature: children older than four (4) months, equivalent to 101 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness until medical evaluation indicates inclusion in the Family Child Care Home;~~
- 43.3.2.1 ~~Temperatures may be taken by way of axillary (armpit) using a glass or digital thermometer, using a temperature scanner, or if the child is four (4) years of age or older, orally (by mouth) using a glass or digital thermometer. Rectal or aural (ear) temperatures shall be taken only by a health care provider.~~
- 43.3.3 ~~Symptoms and signs of possible severe illness such as lethargy (unusual tiredness, not responsive), uncontrolled coughing, irritability, persistent crying, difficult breathing, wheezing, or other unusual signs) until medical evaluation allows inclusion;~~
- 43.3.4 ~~Uncontrolled diarrhea, that is, increased number of stools (bowel movements), increased stool water, and/or decreased form that is not contained by the diaper until diarrhea stops;~~
- 43.3.5 ~~Blood in stools not explainable by dietary changes, medication, or hard stools;~~
- 43.3.6 ~~Vomiting illness (two (2) or more episodes of vomiting in the previous twenty-four (24) hours) until vomiting resolves or until a health care provider determines the illness to be non-communicable, and the child is not in danger of dehydration;~~
- 43.3.7 ~~Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;~~
- 43.3.8 ~~Mouth sores with drooling, unless a health care provider determines the condition is noninfectious;~~
- 43.3.9 ~~Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;~~
- 43.3.10 ~~Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until twenty-four (24) hours after treatment has been initiated;~~
- 43.3.11 ~~Scabies, Head Lice or other infestation, until twenty-four (24) hours after treatment has been initiated;~~
- 43.3.12 ~~Tuberculosis, until a health care provider states that the child is on appropriate therapy and can attend child care;~~
- 43.3.13 ~~Impetigo, until twenty-four (24) hours after treatment has been initiated;~~
- 43.3.14 ~~Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;~~

- ~~43.3.15 Varicella-Zoster (chicken pox), until all sores have dried and crusted (usually six (6) days);~~
- ~~43.3.16 Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;~~
- ~~43.3.17 Pertussis, until five (5) days of antibiotic treatment;~~
- ~~43.3.18 Mumps, until nine (9) days after onset of parotid gland swelling;~~
- ~~43.3.19 Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health care provider when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;~~
- ~~43.3.20 Measles, until five (5) days after onset of rash;~~
- ~~43.3.21 Rubella, until six (6) days after onset of rash;~~
- ~~43.3.22 Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or~~
- ~~43.3.23 Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater child care than can be provided without compromising the health and safety of other children.~~
- ~~43.4 The Licensee may allow a child to return to the Family Child Care Home when the symptoms are no longer present or a health care provider indicates the child does not pose a serious health risk to the child or to other children.~~
- ~~43.5 The 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 Family Child Care Home unless:~~
 - ~~43.5.1 Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the children or to others; or~~
 - ~~43.5.2 The Licensee has reported the illness to the Division of Public Health and been advised that the child presents no health risk to others.~~
 - ~~43.5.2.1 If there is a conflict in 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.~~
- ~~43.6 The Licensee shall report any reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable disease, the Licensee shall contact the Division of Public Health or refer to their website - <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.~~
- ~~43.7 The 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 Family Child Care Home in accordance with Division of Public Health procedures.~~
- ~~43.8 The Licensee shall ensure that if a child who has already been admitted to the Family Child Care Home manifests any of the illnesses or symptoms specified in Rules 43.4 and 43.6, the Licensee shall ensure that the child's individual needs for rest, comfort, food, drink and appropriate activity are met until the child can be picked up by the parent/guardian.~~

44.0 Standard Precautions

- ~~44.1 The Licensee shall ensure the use of standard precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:~~
 - ~~44.1.1 For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter tops, diaper-changing tables, toilet training chairs, the area shall be cleaned with liquid soap and water and disinfected.~~
 - ~~44.1.2 For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned with liquid soap and water and disinfected. Non-porous gloves shall be used in these situations.~~
 - ~~44.1.3 For cleaning contaminated surfaces, 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.~~
 - ~~44.1.4 Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.~~
 - ~~44.1.5 Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.~~

45.0 First Aid

- ~~45.1 The Licensee shall ensure that a first aid kit is readily accessible, but not to children, in the Family Child Care Home. The first aid kit shall at least contain the following:~~

- 45.1.1 Disposable nonporous gloves;
 - 45.1.2 Scissors;
 - 45.1.3 Tweezers;
 - 45.1.4 A non-glass thermometer to measure a child's temperature;
 - 45.1.5 Bandage tape;
 - 45.1.6 Sterile gauze pads;
 - 45.1.7 Flexible roller gauze;
 - 45.1.8 Triangular bandages;
 - 45.1.9 Safety pins;
 - 45.1.10 Pen/pencil and note pad;
 - 45.1.11 Instant cold pack;
 - 45.1.12 Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide;
 - 45.1.13 Non-medicated adhesive strip bandages; and
 - 45.1.14 Plastic bags for cloths, gauze, and other materials used in handling blood.
- 45.2 The Licensee shall ensure that a first aid kit is taken along when children are being transported off premises of the Family Child Care Home and contains the following materials in addition to those cited in Rule 45.1:
- 45.2.1 Water;
 - 45.2.2 Liquid soap;
 - 45.2.3 Any regular and emergency medications needed for a child; and
 - 45.2.4 List of emergency phone numbers, and parent(s)/guardian(s) phone numbers, and the Poison Control Center phone number.

46.0 Child Accident and Injury

- 46.1 The Licensee shall ensure that when an accident or injury occurs to a child during the hours of child care, emergency action is taken to protect the child from further harm and the child's parent(s)/guardian(s) are notified.
- 46.1.1 The Licensee shall maintain an injury report for each incident in the child's file and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or outpatient treatment as required in Rules 11.1 and 11.3.2. An injury report shall include name of child, date, description of injury, how it occurred, first aid or medical care required, and parent(s)/guardian(s) signature.
 - 46.1.2 Whenever an injury report is necessary, the Licensee shall notify the child's parent(s)/guardian(s) of each incident. The Licensee shall maintain a record of when the parent(s)/guardian(s) were notified or of attempts to notify the parent(s)/guardian(s).

47.0 Administration of Medication

- 47.1 The Licensee shall only administer medication if trained and authorized in accordance with State law to administer medication to children.
- 47.2 The Licensee shall ensure that medication is not administered to a child unless the Licensee has received written permission from the child's parent(s)/guardian(s) for each medication to be administered.
- 47.3 The Licensee shall ensure that the parent(s)/guardian(s) of a child provide the following information for each medication given and a record (medication log) is kept that includes:
- 47.3.1 The name of the child;
 - 47.3.2 The child's date of birth;
 - 47.3.3 Parent(s)/guardian(s) name(s), signature and date signed;
 - 47.3.4 Child's known medication allergies;
 - 47.3.5 Health care provider's name and phone number;
 - 47.3.6 Pharmacy and phone number;
 - 47.3.7 Name of medication;
 - 47.3.8 Name of person administering medication with initials when having administered medication;
 - 47.3.9 Dosage (amount given);
 - 47.3.10 Frequency of dosage (how often given)
 - 47.3.11 Schedule (time dosage is to be administered);
 - 47.3.12 Route of administration (oral; eye, nose or throat drops; topical);

- 47.3.13 Expiration date of medication;
- 47.3.14 Start date of administering medication;
- 47.3.15 End date when stopping administration of medication;
- 47.3.16 Reason for medication;
- 47.3.17 Any special directions; and
- 47.3.18 ~~Written notes are recorded for that child and the parent(s)/guardian(s) are advised of the occurrence (specific timing) of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.~~
- 47.4 The Licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.
 - 47.4.1 ~~Medication shall only be given to the child whose name appears on the prescription.~~
- 47.5 The Licensee shall ensure that all non-prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.
 - 47.5.1 ~~Any deviations from the label instructions shall be in writing from the child's health care provider.~~
- 47.6 ~~The Licensee shall not allow the administration of prescription or non-prescription medication that has expired and will immediately contact the parent(s)/guardian(s) of a child whose medication has expired to inform that parent(s)/guardian(s) of the situation and return the expired medication to the parent(s)/guardian(s).~~
- 47.7 ~~The Licensee shall ensure that all medication in the Family Child Care Home is stored so as to be secure and inaccessible to children.~~
 - 47.7.1 ~~Medication requiring refrigeration shall be kept in closed containers separate from food.~~
- 47.8 ~~The Licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by the child.~~

48.0 Diapering and Toileting

- 48.1 ~~The Licensee shall ensure that diapers, training pants and other clothing of children are changed when wet or soiled.~~
 - 48.1.1 ~~The Licensee shall have an established procedure for checking diapers and training pants.~~
 - 48.1.2 ~~The Licensee shall ensure that a supply of clean diapers, training pants and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.~~
 - 48.1.3 ~~The Licensee shall place soiled clothing in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardian(s) at the end of the day.~~
- 48.2 ~~The Licensee shall ensure the diaper changing and toilet training areas are:~~
 - 48.2.1 ~~Separate from the kitchen, food preparation and food serving areas; and~~
 - 48.2.2 ~~Have non-absorbent, non-porous, wipeable and washable surfaces, even after use of protective paper covering.~~
- 48.3 ~~The Licensee shall locate toilet training chairs (potties) in an area that ensures children's privacy but allows for their supervision.~~
- 48.4 ~~The Licensee shall have an established procedure for changing diapers or training pants to include at least the following steps that require:~~
 - 48.4.1 ~~Changing diapers or training pants only in the diaper changing or toilet training area;~~
 - 48.4.2 ~~Cleaning each child with an individual disposable sanitary wipe or single service washcloth;~~
 - 48.4.3 ~~Disposing of a diaper or training pants in accordance with Rule 48-5;~~
 - 48.4.4 ~~Washing the hands of the child and the person who changed the diaper or toilet training pants (regardless of glove usage) with soap and water immediately after each diaper change; and~~
 - 48.4.5 ~~Cleaning and disinfecting the diaper changing or toilet training area with a disinfectant solution after each use.~~
- 48.5 ~~The Licensee shall ensure that:~~
 - 48.5.1 ~~Non-disposable soiled diapers and training pants are not rinsed and placed into a separate leak-proof plastic container or bag, labeled with the child's name, before transporting to a laundry or returning to the child's parent;~~
 - 48.5.2 ~~Soiled disposable diapers are placed into a cleanable, foot-activated, and covered container that is used exclusively for diapers and lined with a leak-proof or impervious liner;~~
 - 48.5.3 ~~Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited;~~

- 48.5.4 The diaper container shall be disinfected daily; and
- 48.5.5 All soiled diapers are removed from the Family Child Care Home daily or more often unless the Licensee uses a commercial diaper service.

49.0 Sanitation

- 49.1 The Licensee shall ensure that a disinfectant solution is used and is either a self-made solution consisting of one-fourth (1/4) cup of household bleach to each gallon of water, which shall be prepared daily, labeled, placed in a bottle that is sealed with a cap and stored out of the reach of children, or a commercially prepared disinfectant which indicates it kills bacteria, viruses and parasites and is used in accordance with label instructions.
- 49.2 The Licensee shall ensure that the following equipment, items and surfaces are washed and disinfected after each use:
 - 49.2.1 Toilet training (potty) chairs which have first been emptied into a toilet;
 - 49.2.2 Sinks and faucets used for handwashing after the sink is used for rinsing a toilet training chair;
 - 49.2.3 Diaper changing surfaces;
 - 49.2.4 Food preparation and eating surfaces such as counters, tables and high chair trays;
 - 49.2.5 Toys mouthed by children;
 - 49.2.6 Mops used for cleaning;
 - 49.2.7 Bibs; and
 - 49.2.8 Thermometers.
- 49.3 The Licensee shall ensure the following equipment, items, and surfaces are washed and disinfected at least daily:
 - 49.3.1 Toilets and toilet seats;
 - 49.3.2 Sinks and faucets;
 - 49.3.3 Diaper pails and lids;
 - 49.3.4 Water tables and water play equipment;
 - 49.3.5 Play tables;
 - 49.3.6 Mats that are not stored separately; and
 - 49.3.7 Smooth surfaced non-porous floors.
- 49.4 The Licensee shall take measures to reduce the spread of germs and disease among children in the Family Child Care Home by:
 - 49.4.1 Using only washable toys with diapered child(ren); and
 - 49.4.2 Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- 49.5 The Licensee shall ensure that soap, single service towels, and toilet paper shall be available at all times.
- 49.6 The Licensee shall ensure that during the hours in which child care is provided any person in direct contact with children at the Family Child Care Home and all children in child care shall wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands at least at the following times:
 - 49.6.1 Before and after eating or handling any food or participating in a food activity;
 - 49.6.2 Before and after giving medications;
 - 49.6.3 Before and after caring for a child who may be sick;
 - 49.6.4 Before and after using a water play table with other children;
 - 49.6.5 After toileting or diapering each child;
 - 49.6.6 After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;
 - 49.6.7 After handling animals or their equipment or after coming into contact with an animal's body secretions;
 - 49.6.8 After playing in a sandbox;
 - 49.6.9 After outdoor play;
 - 49.6.10 After cleaning; and
 - 49.6.11 After taking out the garbage.

50.0 Food Service and Nutrition. (Also see Kitchen Rule 35.0)

- 50.1 The Licensee shall have a written policy concerning food service provided to parent(s)/guardian(s) that includes the following:

- 50.1.1 A description of all food services provided;
- 50.1.2 Times of snacks and meals;
- 50.1.3 Procedures related to food allergies, religious dietary requirements and other special needs;
- 50.1.4 If applicable, nutritional information and guidelines concerning content of meals, snacks, or foods for special occasions when provided by parent(s)/guardian(s);
- 50.1.5 If applicable, procedures to prevent spoilage of food provided by parent(s)/guardian(s);
- 50.1.6 If applicable, a procedure to be followed by the Licensee if food provided by the parent(s)/guardian(s) for the child fails to meet nutritional requirements as specified in Rules 50.1-50.3.
- 50.2 The Licensee shall ensure that menus are planned in advance, dated and posted in the kitchen for review by parent(s)/guardian(s). Menus noting actual food served shall be retained for thirty (30) days. Any changes made in actual food served on a particular date shall be documented on the menu on or before that date.
- 50.3 The Licensee shall ensure that a supply of food and water shall be kept in stock for emergency situations that require an extended stay such as sheltering in place as per Rule 42.3 at the Family Child Care Home or in case of a power outage. Non-perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.
- 50.4 The Licensee shall ensure that meals and snacks meeting nutritional requirements as specified in the Appendix, United States Department of Agriculture (USDA)/Child and Adult Care Food Program (CACFP) Meal Pattern Requirements and Policies for Infants and Children and are provided at the appropriate time in accordance with the following schedule which indicates the number of hours the child is present at the Family Child Care Home:
 - 50.4.1 2 hours – 4 hours 1 snack;
 - 50.4.2 4 hours – 6 hours 1 meal and 1 snack;
 - 50.4.3 7 hours – 11 hours 2 meals and 1 snack, or 2 snacks and 1 meal based on time of child's arrival;
 - 50.4.4 12 hours or more 3 meals and 2 snacks.
- 50.5 The Licensee shall ensure that meals and snacks meeting nutritional requirements as specified in the Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children are provided and adjusted in accordance to the age of the infant and child.
 - 50.5.1 The Licensee shall have supplemental foods from all basic food groups to serve children if meals or snacks provided by parent(s)/guardian(s) fail to meet nutritional requirements as specified in Rules 50.1-50.3.
- 50.6 The Licensee shall provide age appropriate food based on the basic food groups as follows:
 - 50.6.1 Milk: fluid pasteurized cow's milk as age appropriate;
 - 50.6.2 Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;
 - 50.6.3 Fruits and vegetables: include a variety of fresh vegetables and fruits; and
 - 50.6.4 Grains: whole grains and enriched products such as breads, cereals, pastas, crackers and rice.
- 50.7 The Licensee shall ensure that all food served to children in the Family Child Care Home is clean, wholesome, flavorful, attractive in appearance, at the appropriate temperature, preserved for nutritional value, free from spoilage and adulteration, correctly labeled, safe for human consumption, and not subject to recall.
- 50.8 The Licensee shall ensure that when fruit juice is served, 100% – unsweetened juice is used, and not a fruit drink or fruit cocktail.
- 50.9 The Licensee shall ensure that children are encouraged but not forced to eat.
- 50.10 The Licensee shall introduce, as appropriate to the age of the child, a variety of food textures, finger foods, and a cup in the training of self-feeding and nutrition education.
- 50.11 The Licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.
- 50.12 The Licensee shall ensure that special, therapeutic diets are served only upon written instruction for a child from the child's health care provider.
- 50.13 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Licensee with written documentation from the child's health care provider permitting the modification.
- 50.14 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Licensee with written

documentation specifying which foods are unacceptable and the food substitution allowed within the same food group.

- 50.15 The Licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast-fed, including allowing the mother to breastfeed her child at a designated place at the Family Child Care Home.

51.0 Toddlers and Older Children

- 51.1 The Licensee shall ensure that a breakfast served has at least one (1) item each from the milk (Rule 50.6.1), fruits and vegetables (Rule 50.6.3) and grain (Rule 50.6.4) food groups as described in Rule 50.6.
- 51.2 The Licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (Rule 50.6.1), protein (Rule 50.6.2) and grain (Rule 50.6.4) food groups and two (2) items from the fruit and vegetable (Rule 50.6.3) food groups as described in Rule 50.6.
- 51.3 The Licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in Rule 50.6.
- 51.3.1 The Licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parent(s)/guardian(s) provide meals.
- 51.3.2 If milk or fruit/vegetable juice is not included with a snack, water shall also be served with that snack.
- 51.4 The Licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, the use of a cup is taught and encouraged.

52.0 Infants

- 52.1 The Licensee shall provide meals and/or snacks for infants according to the following Rules except as noted following the procedures of Rules 50.5 and 50.6.
- 52.2 The Licensee shall ensure that a written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant as needed.
- 52.3 The Licensee shall ensure that a daily written record of each infant's nutritional intake is maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Family Child Care Home.
- 52.4 The Licensee shall ensure that an infant is:
- 52.4.1 Fed on demand or during a span of time consistent with the infant's eating habits;
- 52.4.2 Held for all bottle-feeding;
- 52.4.3 Not placed in his or her crib with a bottle for feeding;
- 52.4.4 Not fed from a propped bottle; and
- 52.4.5 Not feed semi-solid foods from a bottle.
- 52.5 The Licensee shall ensure that when preparing and/or providing bottles of formula:-
- 52.5.1 Bottles and nipples maintained by the Licensee shall be washed and sanitized before use;
- 52.5.2 Unprepared formula brought to the Family Child Care Home by parent(s)/guardian(s) or provided by the Licensee shall come from an unopened, factory-sealed container;
- 52.5.3 Each infant's bottle of formula shall be individually labeled with the infant's name and refrigerated immediately upon arrival if prepared by parent(s)/guardian(s) or after preparation by the Licensee;
- 52.5.4 Bottles of formula shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;
- 52.5.5 Bottles of formula shall not be warmed or thawed in a microwave oven;
- 52.5.6 Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;
- 52.5.7 Unused portions of formula in a bottle fed to an infant shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding; and
- 52.5.8 Unused bottles of formula shall be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day; and
- 52.5.9 Refrigerated, unused, prepared formula shall be discarded after forty-eight (48) hours.
- 52.6 The Licensee shall ensure the following when expressed breast milk from a mother is brought into the Family Child Care Home for her own infant:

- 52.6.1 Breast milk shall be fed only to that mother's own infant;
 - 52.6.2 Frozen breast milk shall be thawed under running cold water or in the refrigerator;
 - 52.6.3 Bottles of breast milk shall not be warmed or thawed in a microwave oven;
 - 52.6.4 Bottles of breast milk shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;
 - 52.6.5 Unused portions of breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;
 - 52.6.6 Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been un-refrigerated for more than one (1) hour;
 - 52.6.7 Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty-eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F; and
 - 52.6.8 Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty-four (24) hours.
- 52.7 The Licensee shall ensure that cow's milk is not served to infants.
- 52.8 The Licensee shall ensure that when feeding food to infants:
- 52.8.1 An infant too young or medically unable to use a feeding chair or other age-appropriate seating apparatus shall be held when fed food;
 - 52.8.2 The introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission.
 - 52.8.3 New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;
 - 52.8.4 Semi-solid foods may be introduced to infants four (4) to seven (7) months of age as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;
 - 52.8.5 Infant foods shall be warmed by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;
 - 52.8.6 Infant foods shall not be warmed or thawed in a microwave oven;
 - 52.8.7 Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption; and
 - 52.8.8 Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served.
- 52.9 The Licensee shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup.
- 52.10 The Licensee shall ensure that infants are not offered juices until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay.

PART VII. PROGRAM FOR CHILDREN

53.0 Activities and Interactions

- 53.1 The Licensee shall provide developmentally appropriate activities designed to promote children's development and school readiness.
- 53.2 The Licensee shall ensure that activities and materials reflect children's cultures, and communities, including both familiar and new materials, pictures, and experiences.
- 53.3 The Licensee shall ensure that adaptations and accommodations be made in activities and materials as needed to support the positive development of all children including those with disabilities.
- 53.4 The Licensee shall develop and follow a daily routine or schedule that is posted for easy reference by parent(s)/guardian(s).
- 53.5 The Licensee shall ensure that the daily routine or schedule includes opportunities for all of the following:
 - 53.5.1 Indoor and outdoor time periods;
 - 53.5.2 Active and quiet activities;
 - 53.5.3 Individual and group activities that can be done independently and/or with assistance;
 - 53.5.4 Free choice activities;
 - 53.5.5 Rest or sleep; and
 - 53.5.6 Meals and snacks.
- 53.6 The Licensee shall ensure that each child, according to his or her ability, is provided the opportunity for a minimum of twenty (20) minutes of moderate to vigorous physical activity indoors and outdoors, for every three (3) hours the child is in attendance between the hours of 7:00AM to 7:00PM.

- 53.7 The Licensee shall ensure that children have periods of outside play each day weather conditions permitting (see Rule 34.6).
- 53.7.1 The Licensee shall ensure that in the case of prolonged periods of inclement or extreme (hot or cold) weather conditions, alternative indoor space for active physical play is provided for the children.
- 53.8 The Licensee or Substitute shall give each child individual attention and physical comfort.
- 53.9 The Licensee shall interact with infants providing the following opportunities throughout the day:
- 53.9.1 Offering frequent face to face interactions when they are awake;
- 53.9.2 Being held and carried;
- 53.9.3 Limiting time spent, while awake, in any confining equipment such as a crib, infant seat, swing, high chair or play pen to less than one half (1/2) hour immediately after which opportunities for freedom of movement are given in a sanitary area protected from foot traffic;
- 53.9.4 Talking with infants during play, feeding and routine child care;
- 53.9.5 Reading to and looking at books with infants while holding or sitting close to them;
- 53.9.6 Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;
- 53.9.7 Responding to infants' actions, sounds and beginning language;
- 53.9.8 Giving names to objects and experiences in the infants' environment;
- 53.9.9 Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling and standing; and
- 53.9.10 Providing materials and encouragement for infants' beginning pretend play alone, with other children and adults.
- 53.10 The Licensee shall interact with toddlers at their eye level, and whenever appropriate, sitting on the floor with toddlers, providing the following opportunities throughout the day:
- 53.10.1 Offering frequent face to face interactions with the toddlers;
- 53.10.2 Having conversations with toddlers during play, feeding, and routine child care;
- 53.10.3 Reading to and looking at books with toddlers individually and in small groups;
- 53.10.4 Encouraging children to play with one another with adult help;
- 53.10.5 Providing materials and encouragement for pretend play alone and with other children and adults;
- 53.10.6 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;
- 53.10.7 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills;
- 53.10.8 Responding to toddlers' words and actions with interest and encouragement;
- 53.10.9 Giving names to objects and experiences in the toddlers' environment; and
- 53.10.10 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.
- 53.11 The Licensee shall interact with preschool-age and older children at their eye level, and whenever appropriate, sitting on the floor with the children, providing the following opportunities throughout the day:
- 53.11.1 Offering frequent face to face interactions with children;
- 53.11.2 Having conversations with children during play, meals and routine child care;
- 53.11.3 Reading to and looking at books with children individually and in groups;
- 53.11.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;
- 53.11.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the Family Child Care Home's environment;
- 53.11.6 Supporting the development of social competence through play and cooperative work with other children;
- 53.11.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;
- 53.11.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;
- 53.11.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills;
- 53.11.10 Responding to children's words and actions with interest and encouragement;
- 53.11.11 Giving names to objects and experiences in the children's environment; and
- 53.11.12 Supporting children's development of independence and mastery of skills.

- ~~53.12 The Licensee shall interact with school age children and also provide the following daily opportunities when school age children are in attendance during out of school time:~~
- ~~53.12.1 Active physical play time and/or outdoor activities. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors.~~
 - ~~53.12.2 The time for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.~~
 - ~~53.12.3 Responsibility consistent with their ages for choosing, planning, carrying out and evaluating their own activities.~~
- ~~53.13 The Licensee shall ensure that television, digital video display (DVD) and video cassette viewing is:~~
- ~~53.13.1 Not permitted without the written approval of each child's parent(s)/guardian(s);~~
 - ~~53.13.2 Limited to programs which are age appropriate, fun and educational; and~~
 - ~~53.13.3 Limited to one (1) hour daily per child or group of children.~~
 - ~~53.13.3.1 Viewing time periods may be extended for specific special events or occasions such as a current event, holiday or birthday celebration. Written documentation shall justify the reason(s) for extending the time period.~~
- ~~53.14 The Licensee shall ensure that the use of the computer shall be as follows:~~
- ~~53.14.1 Prohibited for children under twenty-four (24) months of age;~~
 - ~~53.14.2 Not permitted without the written approval of each child's parent(s)/guardian(s);~~
 - ~~53.14.3 Limited to programs, games and websites which are age appropriate and educational;~~
 - ~~53.14.4 Protected from exposure to inappropriate websites such as those that are sexually explicit, violent, or use inappropriate language;~~
 - ~~53.14.5 Supervised by an adult; and~~
 - ~~53.14.6 Limited to one (1) hour daily per child or group of children.~~
 - ~~53.14.6.1 Usage time periods may be extended for special projects such as homework, researching topics, or special events or interests of a child or group of children. Written documentation shall justify the reason(s) for extending the usage period.~~

54.0 Equipment

- ~~54.1 The Licensee shall provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall promote a variety of experiences that support all children's social, emotional, language/literacy, intellectual, and physical development.~~
- ~~54.2 The Licensee shall ensure that materials and equipment are available in a quantity to allow all children to benefit from their use and to allow a range of choices with, at least, duplicates of the most popular materials.~~
- ~~54.3 The 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.~~
 - ~~54.3.1 For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission website at www.cpsc.gov.~~
- ~~54.4 The Licensee shall provide infant seats with trays for table play and mealtime for children no longer being held for feeding.~~
- ~~54.5 The Licensee shall ensure that high chairs or feeding tables with attached seats, if used, have a wide base and a T-shaped safety strap(s).~~
- ~~54.6 The Licensee shall prohibit the use of walkers unless medically prescribed by a health care provider for the safety and mobility of a particular child.~~
- ~~54.7 The Licensee shall prohibit toys that explode or fire projectiles.~~
- ~~54.8 The Licensee shall ensure that infants and toddlers do not have access to plastic bags, Styrofoam objects or toys, and objects with a diameter of less than one (1) inch.~~

55.0 Positive Behavior Management

- ~~55.1 The Licensee shall have a written statement in plain language regarding the positive behavior management of children. The statement on positive behavior management shall be provided to parent(s)/guardian(s) and Substitutes.~~
- ~~55.2 The Licensee shall ensure the use of positive developmentally age appropriate methods of behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility and cooperation.~~

- 55.2.1 Prevention of behavioral problems shall be emphasized. Prevention strategies shall include providing appropriate, educationally valuable materials and activities in an organized, stimulating environment, and setting realistic expectations for young children when planning the routine or schedule.
- 55.2.2 The Licensee shall praise and encourage children for positive behavior and redirect or guide inappropriate behavior into more positive actions, rather than relying on punishment.
- 55.2.3 Responses to a child's behavior shall be appropriate to the child's level of development and understanding.
- 55.2.4 "Time-outs" if used, shall be employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of behavior management. "Time-out" shall be limited to brief periods no more than one (1) minute for each year of a child's age. Before using "time-out", the Licensee shall ensure the reasons for "time-out" are explained to the child in language appropriate to the child's level of development and understanding.
 - 55.2.4.1 The first step for "time-out" shall be to remove the child from the group but keep the child within eyesight of the group that continues to participate in the activity. If this step is ineffective, the child may be removed from the room so that he/she is unable to participate, observe or hear the activity. A child removed from the group or room shall remain under visual supervision at all times. Children shall never be left unattended behind closed doors.
 - 55.2.4.2 "Time-out" shall be in an area approved for child care that comfortably accommodates the child. "Time-out" shall be seen as a positive opportunity for the child to regroup and focus on appropriate behavior. Before rejoining the group or returning to the room, the Licensee shall talk to the child about alternatives to the inappropriate behavior in a way that shows faith in the child's ability to make more positive decisions in the future.
- 55.2.5 Corporal punishments inflicted in any way on a child's body including shaking, hair pulling, biting, pinching, slapping, or spanking shall be prohibited.
- 55.2.6 Children shall not be yelled at, humiliated, frightened, or verbally, physically or sexually abused or placed in an uncomfortable physical position.
- 55.2.7 Disparaging comments about a child's appearance, ability, ethnicity, family and other personal characteristics shall be prohibited.
- 55.2.8 Children shall not be deprived of food or toilet use as a consequence of inappropriate behavior.
- 55.2.9 Children shall not be tied, taped, chained, caged or placed in mechanical restraints as a consequence of inappropriate behavior.
- 55.2.10 Negative or punitive action shall not be taken with children for not going to sleep, toileting accidents, failure to eat all or part of food or failure to complete a prescribed activity.
- 55.3 The Licensee shall ensure that she/he and any Substitute models and demonstrates positive behavior management techniques and respectful communication interactions while children are in child care at the Family Child Care Home when relating to any child, parent(s)/guardian(s), other adults, and representatives from the Office of Child Care Licensing and other inspecting agencies.

56.0 Napping/Sleeping Accommodations

- 56.1 The Licensee shall have documentation from a child's health care provider when an exception to any Rule regarding napping/sleeping is necessary due to a child's physical or medical condition. The documentation shall stipulate the reason for the exception and what other accommodations shall be made.
- 56.2 The Licensee shall ensure that each child has clean, age appropriate, individual napping/sleeping equipment such as a crib, port-a-crib, playpen, cot, mat, sleeping bag, or bed.
 - 56.2.1 Children shall not nap together or share the same napping/sleeping equipment.
 - 56.2.2 A child's napping/sleeping equipment shall be labeled with the child's name and used only by that child while attending the Family Child Care Home during a particular shift—see Rule 56.8.2 for use by different child during another shift.
- 56.3 The Licensee shall ensure that each child under eighteen (18) months of age and not walking shall nap/sleep in a crib, port-a-crib, or playpen.
- 56.4 The Licensee shall ensure that a child who is between twelve (12) and eighteen (18) months of age and is walking, may nap/sleep on a cot, mat, or bed with protective rails with written permission from the child's parent(s)/guardian(s).
- 56.5 The Licensee shall ensure that a child who is eighteen (18) months of age and older shall nap/sleep on a cot, mat, sleeping bag, or bed, or may continue to nap/sleep in a crib, port-a-crib, or playpen as long as the child fits comfortably in this type of sleeping equipment.

- 56.6 The Licensee shall ensure that a child who is twelve (12) months of age or older (see Rules 56.1-56.4 for infants) is provided with seasonably appropriate bedding (coverings, sheets, and blankets) for his/her napping/sleeping equipment as follows:
- 56.6.1 The top of a mattress, cot, or pad of any napping/sleeping equipment shall be covered with non-absorbent, cleanable covering along with a sheet on top of that covering.
 - 56.6.2 Additional sheet(s) and/or blanket(s) shall be provided, when necessary to keep a child warm while napping/sleeping.
 - 56.6.3 A sleeping bag shall be placed on a covered pad (see above subsection "A") and not directly on the floor.
- 56.7 The Licensee shall ensure that napping/sleeping equipment shall be placed at least at least eighteen (18) inches apart.
- 56.8 The Licensee shall ensure that napping/sleeping equipment and bedding (covering, sheets, and blankets) are maintained in a clean and sanitary condition as follows:
- 56.8.1 Cleaned when soiled or wet, or disinfected at least weekly; and
 - 56.8.2 Cleaned and disinfected prior to being assigned to another child.
- 56.9 The Licensee shall ensure that napping/sleeping equipment is stored so that the napping/sleeping side of one piece of equipment is not in direct contact with the napping/sleeping side of another piece of equipment or such side is disinfected before being used again.

57.0 Safe Sleep Practices for Infants (Children under Twelve (12) Months of Age)

- 57.1 The Licensee shall use safe sleep practices for infants (children under twelve (12) months of age) as recommended by the American Academy of Pediatrics – see current website information at <http://www.aap.org/healthtopics/Sleep.cfm> – as follows:-
- 57.1.1 Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as sleeping surfaces.
 - 57.1.2 Stacking cribs shall be prohibited.
 - 57.1.3 Cribs, port-a-cribs, and playpens shall have slats so placed as to allow gaps of no larger than two and three eighths (2-3/8) inches.
 - 57.1.4 Cribs, port-a-cribs, and playpens shall have top rails at least twenty (20) inches above the mattresses with the mattress set at its lowest position and side rails locked in its highest position.
 - 57.1.5 Any latches on cribs, port-a-cribs, or playpens shall be safe, secured and present no hazard.
 - 57.1.6 The crib, port-a-crib, and playpen's mattress or pads shall be firm and tight-fitting, covered with non-absorbent, cleanable covering directly on top of the mattress or pad along with a tight-fitting sheet on top of that covering.
 - 57.1.7 Toys or objects hung over a crib, port-a-crib, or playpen shall be held securely and be of a size and weight that would not injure a child if the toy or object accidentally falls or if the child pulls on the object.
 - 57.1.8 All items shall be removed from the crib, port-a-crib, or playpen when an infant is in the crib or playpen. These items include, but are not limited to, heavy blankets, comforters, quilts, pillows, sheep skin, stuffed animals, dolls or any toys.
- 57.2 The Licensee shall ensure that an infant is placed on his/her back when putting the infant down to nap/sleep.
- 57.3 The Licensee shall use the following options when keeping an infant warm while in a crib, port-a-crib, or playpen:
- 57.3.1 Use a blanket sleeper that is worn by the infant while napping/sleeping. Such blanket sleepers may be worn separately or on top of other clothing as long as the blanket sleeper fits comfortably (is not too big or small), and the infant does not get overheated; and/or
 - 57.3.2 Use a thin blanket placed at the foot of the crib, tucked around the mattress or pad, reaching only as far as the infant's chest, and making sure the infant's head remains uncovered during nap/sleep.
- 57.4 The Licensee shall ensure that a written record is kept documenting the infant was visually monitored at least every thirty (30) minutes when placed in the crib, port-a-crib, or playpen to nap/sleep to observe the infant for normal breathing.

58.0 Night Child Care

- 58.1 The Licensee providing night child care shall remain on the same level of the Family Child Care Home with the children in child care (see Rule 34.17).

- 58.2 The Licensee providing night child care shall follow Rules 56.1-56.9 and ensure that each child in child care between the hours of 8:00 P. M. and 6:00 A. M., and sleeping at the Family Child Care Home for four (4) or more hours, has the following sleeping equipment:-
- 58.2.1 A child under eighteen (18) months of age and not walking shall sleep in a crib.
 - 58.2.2 A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a bed with protective rails with written permission from the child's parent(s)/guardian(s).
 - 58.2.3 A child eighteen (18) months of age and older shall sleep on a bed or may continue to sleep in a crib as long as the child fits comfortably in the crib.
- 58.3 The Licensee shall ensure each bed is equipped with a mattress that is not directly on the floor.
- 58.3.1 The top of the mattress shall be covered with a non-absorbent, cleanable mattress pad that covers the whole mattress.
 - 58.3.2 A fitted or folded sheet covering the whole mattress is placed on top of the mattress pad.
 - 58.3.3 Another sheet that covers the whole mattress is provided to cover the child.
 - 58.3.4 A pillow covered with a pillow case that covers the whole pillow is provided.
 - 58.3.5 A blanket/comforter/quilt is provided when necessary to keep a child warm while sleeping.
- 58.4 The Licensee providing night child care shall ensure that quiet activities are provided to children for not less than thirty (30) minutes before bedtime.
- 58.5 The Licensee providing night child care shall ensure that each child is given individual attention at bedtime and upon awakening.
- 58.6 The Licensee providing night child care shall follow the parent(s)/guardian(s) preference regarding any special preferences or habits of a child regarding bedtime and awakening and note the information provided in the child's file.
- 58.7 The Licensee providing night child care shall ensure that each child has his or her own combs, toothbrushes, brushes and other such personal items and are marked with the child's name, used only by that child, and stored separately.
- 58.8 The Licensee providing night child care shall follow the parent(s)/guardian(s) preference regarding bathing the child and note the information provided in the child's file.
- 58.8.1 If bathtubs and showers are used, they shall be equipped to prevent slipping.
 - 58.8.2 Infants shall be bathed in age-appropriate bathing facilities.
 - 58.8.3 Under no circumstances shall a child be bathed in a sink.
 - 58.8.4 Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been disinfected before each use.
 - 58.8.5 Children shall be bathed individually and not be placed together in a bathtub or shower.
 - 58.8.6 Water temperature shall be checked before placing a child into a portable bathing facility, bathtub or shower; or monitored constantly while being rinsed under running water in a portable bathing facility or bath tub to prevent burns or scalding, or for water that is too hot or too cold.
 - 58.8.7 Individual towels and washcloths shall be provided for each child.
- 58.9 The Licensee providing night child care shall ensure that no child is left unsupervised while in a bathtub or shower.
- 58.9.1 A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). The Licensee shall respect that child's privacy but immediately be available to ensure the child's safety to offer assistance when requested by the child.
- 58.10 The Licensee providing night child care shall ensure that children over the age of four (4) do not share a dressing area with persons of the opposite sex.
- 58.11 The Licensee providing night child care shall ensure that each child has clean garments made for sleeping comfortably.
- 58.12 The Licensee providing night child care shall ensure that there is a working night light in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.
- 58.13 The Licensee providing night care shall ensure a written record is kept documenting the monitoring schedule for each child when placed in his/her sleep equipment to sleep between the hours of 8:00 P.M. and 6:00 A.M. including the following information:
- 58.13.1 Infants were monitored every thirty (30) minutes as per Rule 57.4;
 - 58.13.2 Children twelve (12) months of age and older were monitored every sixty (60) minutes; and
 - 58.13.3 Child to child physical contact was prevented.

59.0 Off-Premises of Family Child Care Home

- 59.1 ~~The Licensee shall ensure that children are not permitted off the Family Child Care Home premises without the Licensee and/or Substitute.~~
- 59.2 ~~The Licensee and/or Substitute shall provide constant supervision of children whenever off the Family Child Care Home premises to ensure safety.~~
 - 59.2.1 ~~Volunteering parent(s)/guardian(s) shall be supervised by the Licensee and/or Substitute at all times including during the transportation of children.~~
 - 59.2.2 ~~Volunteering parent(s)/guardian(s) shall not be left alone with children at any time other than their own child/children.~~
- 59.3 ~~The Licensee shall have a safety policy for children whenever off the Family Child Care Home premises which includes the following:~~
 - 59.3.1 ~~A procedure for accounting of children at all times including a documented roll check of taking attendance when departing from the Family Child Care Home, arriving and departing from the destination, and arriving back at the Family Child Care Home;~~
 - 59.3.2 ~~A copy of and easy access to medical consent forms and emergency contact information for all children;~~
 - 59.3.3 ~~A proper storage container (such as for keeping a medication cool) for any medication that needs to be taken off premises for a child;~~
 - 59.3.4 ~~A traveling first aid kit available in accordance with Rule 45.2;~~
 - 59.3.5 ~~A plan for transportation of a child or all children in the event of an emergency; and~~
 - 59.3.6 ~~Tags for children or other means of providing only the Family Child Care Home's telephone number;~~
 - 59.3.7 ~~For security purposes, a child's name or any type of information that directly identifies the child shall not be placed on the child.~~
- 59.4 ~~The Licensee shall ensure that volunteering parent(s)/guardian(s) comply with the following Transportation Rule 60.0 when transporting children other than their own children when on excursions with the Licensee and/or Substitute off the Family Child Care Home premises.~~

60.0 Transportation in a Vehicle

- 60.1 ~~The Licensee shall ensure that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable Federal, State and local Laws.~~
- 60.2 ~~The Licensee shall ensure that the operator of a vehicle not transport more persons, including children and adults, than the capacity of the vehicle per the manufacturer's specifications.~~
- 60.3 ~~The Licensee shall inspect the vehicle for safety before allowing children in child care to be transported in the vehicle.~~
- 60.4 ~~The Licensee shall ensure that each child is secured in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while the vehicle, other than a school bus is in motion. All safety restraints shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used in accordance with the manufacturer's specifications and vehicle's instruction and shall be maintained in a safe working condition and free of any recall.~~
 - 60.4.1 ~~A child preschool age or younger shall only be transported on a school bus that is properly equipped for child safety restraints unless written permission is received from the parent(s)/guardian(s) of that child allowing the child to be transported on a school bus unrestrained. The 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 in school buses properly equipped for child safety restraints.~~
- 60.5 ~~The Licensee shall inform and obtain written permission from parent(s)/guardian(s) each time transportation is provided. This permission shall:~~
 - 60.5.1 ~~Identify who is operating each vehicle;~~
 - 60.5.2 ~~Specify any special need or problem of a child which might require special attention during transportation; and~~
 - 60.5.3 ~~Require the operator of the vehicle to carry the information with directions on handling any special need or problem.~~
- 60.6 ~~The Licensee shall ensure that the operator of the vehicle shall have a valid driver's license that authorizes the driver to operate the type of vehicle being driven.~~

- 60.7 The Licensee shall ensure that the following are in or available for each vehicle when transporting children:
- 60.7.1 An operable dry-chemical fire extinguisher listed by the Underwriter's Laboratory in each vehicle;
 - 60.7.2 A working phone such as a cell phone in each vehicle;
 - 60.7.3 A traveling first aid kit as per Rule 45.2; and
 - 60.7.4 Emergency contact information for each child in the vehicle.
- 60.8 The Licensee shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.
- 60.9 The Licensee shall ensure that children are never left unattended in the vehicle and the vehicle is inspected when finished transporting so that no child is left behind in the vehicle.
- 60.10 The Licensee shall not transport children in the open back of a truck.
- 60.11 The Licensee shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.
- 60.12 The Licensee shall ensure that a vehicle used to transport children has an operable heater capable of maintaining a temperature of at least fifty (50) degrees F. in the vehicle.
- 60.13 The Licensee shall ensure that a vehicle used to transport children either has an air conditioner capable of reducing the temperature or windows able to be opened to provide fresh air when the vehicle's interior temperature exceeds eighty-five (85) degree F.

103 Regulations for Family and Large Family Child Care Homes

1.0 Legal Base

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

2.0 Purpose

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

3.0 Definition of Regulated Services

- 3.1 Family child care is a licensed child care service offered by a person or a person who formed an entity. OCCL names this person or entity a licensee. A licensee provides this service on a regular basis for part of a day and children attend without a parent/guardian. A licensee is paid for the service. There are two types of family child care; a level I may have a maximum of six or five children depending on their ages and a level II may have a maximum of nine children. Children living in the home who do not attend kindergarten or a higher grade count in these numbers. These regulations describe the ages of children allowed to be present in each type. A licensee provides care, education, protection, supervision, or guidance to children in his or her private home. This does not include care provided only to grandchildren, nieces, nephews, stepchildren.
- 3.2 Large family child care is a licensed child care service offered by a person or entity, such as an agency or company. OCCL names this person or entity a licensee. A licensee provides this service on a regular basis for part of a day and children attend without a parent/guardian. A licensee is paid for the service. A licensee may have a maximum of 12 children. Children living in the home who do not attend kindergarten or a higher grade count in these numbers. A licensee provides care, education, protection, supervision or guidance to children in a private home or non-residential setting. This does not include care provided only to grandchildren, nieces, nephews, stepchildren.

GENERAL PROVISIONS

4.0 Definition of Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Child neglect" means a person responsible for a child failed to provide the proper or necessary education as required by law; nutrition; or medical, surgical, or any other care necessary for the child's well-being as defined in 10 Del.C. §901.

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

"Child with disabilities" means a child diagnosed by a qualified professional as having a physical, intellectual, emotional, or developmental disability, or chronic medical condition. This disability may require modifications in the regular program of activities for that child at a home as listed in an Individual Education Program or Individualized Family Service Plan or as defined by applicable federal and State laws.

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

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

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

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

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

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

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

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

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

"Direct voice contact" means a licensee or staff member is required to speak with an OCCL licensing specialist, licensing supervisor, or administrator by calling or visiting OCCL. When direct voice contact is required, leaving a voice mail message is not acceptable.

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

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

"DPH" means the Division of Public Health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Office of Child Care Licensing" or **"OCCL"** means the agency within the department authorized under 31 Del.C. §§341-345 to promulgate and enforce regulations for child care, to license child care facilities, and to develop and implement policies and procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.0 Authority to Inspect

- 5.1 Applicants, licensees, household members, and staff members, if applicable, shall allow access to the home during the hours of operation. This includes access to information, files, documents, and if there is a question of regulatory compliance then access to unlicensed space. Access shall be granted to officials from OCCL, other State and local agencies that ensure the home is safe, and to agencies providing payment for child care services.
- 5.2 Applicants, licensees, household members, and staff members, if applicable, shall allow and not prevent the interviewing of a staff member, household member, child in care, or child's parent/guardian by officials from OCCL or other State and local agencies. Interviews will occur to determine compliance with these regulations and other applicable codes, regulations, or laws.
- 5.3 A licensee may request a conference with a licensing supervisor to dispute citations of regulation non-compliance. These citations may have occurred during a compliance review, complaint investigation, or monitoring visit.

6.0 Application Process

- 6.1 An applicant shall complete the following steps and submit the following information to OCCL when seeking a license:
 - 6.1.1 Attend OCCL's information session and orientation to learn the application process and regulations;

- 6.1.2 Submit a completed application including all required materials and a statement that the applicant:
 - 6.1.2.1 Intends to follow these regulations and other applicable codes, regulations, and laws;
 - 6.1.2.2 Intends to provide child care for the majority of the licensing year; and
 - 6.1.2.3 Has provided information that is true to the best of the applicant's knowledge;
- 6.1.3 Submit proof of compliance with zoning codes, and, if applicable, other codes, regulations, or laws, such as Division of Revenue or Department of Natural Resources and Environmental Control;
- 6.1.4 Submit plans to the State fire marshal or designated fire marshal when located within the city limits of Wilmington, Newark, New Castle, or Dover;
- 6.1.5 Submit fire marshal approval for the plans and inspection of the home;
- 6.1.6 Provide proof of an electrical inspection of the home conducted by a State fire marshal-approved inspection agency;
- 6.1.7 Submit current certifications in cardiopulmonary resuscitation or "CPR" and first aid for the ages of the children in care. Applicants for large family homes are exempt from this requirement if not serving as a staff member;
- 6.1.8 Submit the names, addresses, phone numbers, and email addresses for three references who are familiar with, but not related to, the applicant and can describe the applicant's interactions with children;
- 6.1.9 Complete a release of employment form that allows OCCL to collect service letters as per 19 Del.C. §708. The form will list the applicant's current or most recent employer and all health care and child care facilities where the applicant worked within the past five years. If an applicant has no former employer, the applicant shall provide information for two more references;
- 6.1.10 Complete fingerprinted background checks for the applicant, all adult household members, and substitutes. When OCCL has a reason to believe the health, safety, or welfare of a child in care may be at risk, OCCL may request parent/guardian permission for a background check on a child household member and other medical, psychological, counseling, school, probation, or division records;
- 6.1.11 Submit documentation of any case where the applicant gave up or lost custody of a child, if applicable;
- 6.1.12 Provide health appraisals for the applicant, all adult household members, and the substitute completed within one year before the application date that includes a tuberculosis or "TB" test or risk assessment. This form shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children;
- 6.1.13 Provide health appraisals for child household members not yet attending kindergarten or a higher grade; and
- 6.1.14 Complete and submit documentation of pre-service training in the following topics, if the applicant will work with children:
 - 6.1.14.1 Six hours of quality-assured child development;
 - 6.1.14.2 Three hours of quality-assured positive behavior management/social emotional development;
 - 6.1.14.3 Prevention and control of infectious diseases, including immunization;
 - 6.1.14.4 Safe sleep practices, including prevention of sudden infant death syndrome;
 - 6.1.14.5 Prevention of shaken baby syndrome and abusive head trauma;
 - 6.1.14.6 Prevention of and response to food allergies;
 - 6.1.14.7 Building and physical grounds safety;
 - 6.1.14.8 Emergency preparedness and response planning;
 - 6.1.14.9 Child abuse recognition and reporting requirements;
 - 6.1.14.10 Storage of hazardous materials and biocontaminants;
 - 6.1.14.11 Administration of medication, if applicable; and
 - 6.1.14.12 Safety measures in transporting children, if applicable.

7.0 Issuance of a License

In order for OCCL to grant a license, the applicant must successfully complete the application process according to OCCL's procedures. OCCL must determine compliance with these regulations and applicable provisions of Delaware Code. To operate a home, OCCL must issue a license for the site address listed on the application. This license remains the property of OCCL and is not transferable or subject to sale. A licensee must post the license. When a home sells, closes, relocates, or when the license has been suspended or revoked, the license immediately becomes void. A family home licensee must live in and provide care in a private residence. A large family home licensee may provide care in either a licensee's private residence or a commercial property, if permitted by zoning.

8.0 License Renewal

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

9.0 License Suspension

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

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

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

10.0 Denial of a License Application or Revocation

10.1 The division may deny a license application or revoke a license to operate for failure to follow these regulations or a federal, State, or local law. An effort to give false information to the department by a licensee may result in revoking a license or denying an application. The division shall notify a licensee in writing of its intent to deny an application or revoke a license, stating the reason or reasons. This letter will describe how a licensee can appeal the decision.

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

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

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

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

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

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

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

11.0 Regulation Variance

A licensee must comply with all regulations unless a licensee requests a variance from OCCL and receives approval. The written variance request must describe how a licensee will meet the intent of a specific regulation but in a way that is different from the way the regulation states. The change shall not endanger the health, safety, and well-being of children in care. A licensee shall keep the variance approval and make it available on request. A variance is valid only for this licensee. If a licensee fails to comply with the variance, OCCL shall cancel the variance and require the site to comply as the regulation states.

12.0 General Requirements

- 12.1 A person shall not operate or provide child care services as defined in these regulations unless OCCL issues a family or large family child care license. Anyone who operates a home without a license violates 31 Del.C. §§341-345, The Delaware Child Care Act, and shall be fined not more than \$100 or imprisoned not more than three months, or both.
- 12.2 A licensee and staff members shall be able to read, understand, and follow these regulations.
- 12.3 A licensee, household and staff members, shall not have convictions, current indictments, outstanding warrants, or substantial evidence of involvement in an activity involving violence against a person; child abuse or neglect; possession, sale, or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior. The department may at its own discretion, make exceptions when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry law as defined by 16 Del.C. §923.
- 12.4 A licensee shall not employ or keep in any capacity a person:
- 12.4.1 Convicted of a prohibited offense, as defined in 31 Del.C. §309;
- 12.4.2 Determined ineligible under the DELACARE Regulations - Background Checks For Child-Serving Entities; or
- 12.4.3 Active on the Delaware Child Protection Registry for a Level III or Level IV substantiation of abuse or neglect.
- 12.5 A licensee shall not employ or keep in any capacity a person whose child or children are removed from his/her custody because of abuse, neglect, or dependency. A person who has given up or otherwise lost custody of his/her children shall present documentation to the department regarding the circumstances of this event, so the department can determine whether this individual can work or be present at the home.
- 12.6 Before becoming a household or staff member or within five days of a household member turning 18 years old a fingerprinted background check must be completed for the home. Within 30 days of becoming a household or staff member or a household member turning 18 years old, a licensee must provide documentation of a fingerprinted background check for the home and a health appraisal including a TB test or risk assessment to OCCL.
- 12.7 A licensee shall ensure adult volunteers who are present for more than five days or 40 hours per year schedule a fingerprinting appointment. The volunteer shall provide a copy of the verification of fingerprinting form to the licensee within 30 days of making the appointment. The licensee shall keep this form on file at the home.
- 12.8 A licensee shall ensure adult volunteers who are present for more than five days or 40 hours per year provide a health appraisal including a TB test or risk assessment to the licensee. The health appraisal and TB test or risk assessment must be completed within one year before the volunteer start date. A licensee shall keep this appraisal on file at the home.
- 12.9 A licensee shall ensure a volunteer is not alone with children.
- 12.10 A licensee shall ensure a staff member is not alone with children at the home until OCCL completes the results of all background checks, determines suitability, and approves the staff member.
- 12.11 A licensee shall ensure a staff member provides or allows the release of information to OCCL to determine that the health, safety, or welfare of a child would not be at risk. OCCL may request medical, psychological, counseling, school, probation, and/or division records when a concern arises.
- 12.12 A licensee shall ensure a staff member provides OCCL with documentation from a health care provider for the follow-up of known health problems for the purposes of determining whether the health problem might create a significant risk to children.
- 12.13 A licensee shall ensure a staff member diagnosed or treated for mental illness that might create a significant risk of harm to children is not hired. In cases where a staff member has a mental illness, a licensee shall provide to OCCL documentation from a health care provider that states whether the mental illness might create a significant risk to children.
- 12.14 Any person present in the home shall not drink alcohol when children are in care. Illegal drugs or substances or non-prescribed, controlled substances are prohibited from being in the home.
- 12.15 A licensee who is working as a staff member shall have no other job during child care hours.
- 12.16 A licensee shall ensure providing care is the focus during the hours of care. A licensee shall not take part in or allow the staff members to take part in activities that distract from providing care during that time. Examples of distracting activities include, but are not limited to, socializing or entertaining; using, playing with, or watching electronics except for communicating for business reasons; doing intensive housework, chores, home repairs, or remodeling tasks; and working on hobbies or crafts.
- 12.17 A licensee shall not provide care for a person recovering from a long-term illness or surgery requiring nursing care at the home during the hours children are in care.

- 12.18 A licensee shall not provide foster care at the home for children or adults without OCCL's prior written approval. This approval shall be updated annually. OCCL shall count preschool-age or younger foster care children in the capacity of the home even if they attend care somewhere else.
- 12.19 A licensee or staff member shall supervise a child in care at all times. A licensee shall ensure children are not responsible for child care duties.
- 12.20 The maximum number of children allowed to be present at any given time shall be determined by the family licensee's or large family provider's experience and qualifications, the ages of the children living in the home, the amount of usable child care space, and fire marshal and zoning limitations.
- 12.21 A licensee shall ensure parents/guardians can enter areas of the home used for care when their children are in care.
- 12.22 A licensee and staff members shall be able to do the following:
 - 12.22.1 Understand and respect children and their families and cultures;
 - 12.22.2 Meet the needs of children;
 - 12.22.3 Supervise children to ensure their safety during all activities;
 - 12.22.4 Support children's physical, intellectual, social, and emotional growth;
 - 12.22.5 Deal with emergencies in a calm manner; and
 - 12.22.6 Use positive behavior management.

13.0 General Capacity

- 13.1 Preschool-age or younger household members shall count toward the capacity even if they attend care somewhere else.
- 13.2 Any child preschool-age or younger present at the home shall count toward the capacity.
- 13.3 School-age household members not attending school outside of the home shall count toward the capacity as preschool-age children.
- 13.4 School-age household members attending school outside of the home shall not count toward the capacity.
- 13.5 Each school-age household member may have no more than two school-age friends visit during child care hours.
 - 13.5.1 These friends shall not count toward capacity unless present with the children in care.
 - 13.5.2 The licensee shall not be paid for care of these friends.
- 13.6 School-age children not living in the home and present at the home shall count toward the capacity unless visiting a school-age household member in an area or space separate from the children in care. School-age children may only attend before school, after school, during school holidays, and during school vacations.

14.0 Use of a Substitute

- 14.1 A licensee shall arrange for a substitute who is at least 18 years old. This substitute may be available to assist in non-emergency situations but must be available in case of an emergency. OCCL defines an emergency as an unplanned event, such as a serious or sudden illness, accident, or situation requiring the immediate attention of a licensee. The substitute and licensee may both be present at the home; however, a licensee shall be responsible for the majority of the child care duties.
- 14.2 A licensee shall post the substitute's name and phone number in the home and provide this information to OCCL.
- 14.3 A licensee shall document on the form provided by OCCL that substitutes used only for emergencies receive training in the following topics before working with children:
 - 14.3.1 DELACARE Regulations;
 - 14.3.2 Policies and procedures of the home including special health care concerns of the children in care such as allergies;
 - 14.3.3 Disaster and evacuation plans;
 - 14.3.4 Safe sleep practices, including prevention of sudden infant death syndrome, if applicable;
 - 14.3.5 Recognition of the symptoms of child abuse and neglect; and
 - 14.3.6 Child abuse and neglect laws and reporting requirements.
- 14.4 A licensee shall document on the form provided by OCCL that substitutes used for non-emergency situations receive training in the following topics before working with children:
 - 14.4.1 DELACARE Regulations;
 - 14.4.2 Policies and procedures of the home;

- 14.4.3 Emergency preparedness and disaster and evacuation plans;
- 14.4.4 Safe sleep practices including prevention of sudden infant death syndrome, if applicable;
- 14.4.5 Prevention of shaken baby syndrome and abusive head trauma;
- 14.4.6 Prevention of and response to food allergies;
- 14.4.7 Prevention and control of infectious diseases, including immunization;
- 14.4.8 Building and physical grounds safety;
- 14.4.9 Storage of hazardous materials and biocontaminants;
- 14.4.10 Recognition of the symptoms of child abuse and neglect;
- 14.4.11 Child abuse and neglect laws and reporting requirements;
- 14.4.12 CPR and first aid;
- 14.4.13 Administration of medication, if applicable, and
- 14.4.14 Safety measures in transporting children, if applicable;
- 14.5 A licensee shall keep a copy of the substitute's health appraisal, receipt of background check, orientation record, and CPR and first aid certifications (if used in non-emergency situations) on file at the home.
- 14.6 A licensee shall ensure the substitute has access to each child's file, knows special or emergency information about each child, and keeps all children's information private.
- 14.7 The substitute may provide care in the home in the absence of a licensee, or if applicable, the large family provider or large family assistant. A licensee does not need to tell OCCL or receive approval to use a substitute in the following situations: emergencies as defined in subsection 14.1, medical appointments, school appointments, or time off for more than five days in a row.
- 14.8 A licensee needs to tell OCCL and receive approval to use a substitute or if applicable the large family provider or large family assistant in certain situations. These situations are training/classes held for three or more sessions, student teaching, internship or practicum to meet qualifications or annual training, or for time off of more than five days in a row for a licensee.
- 14.9 Before using a substitute, a licensee shall tell the parent/guardian who the substitute is and when the substitute will be caring for the children, unless it is an emergency.
- 14.10 A licensee shall record the date and times a substitute is present and is helping with the children or providing care. A licensee shall maintain this record for at least three months.

LICENSEE'S RESPONSIBILITIES

15.0 Notification to OCCL

- 15.1 A licensee shall immediately call OCCL and speak to someone Monday-Friday from 8:00 AM to 4:30 PM if a child dies while in care. If the death occurs after business hours, a licensee shall immediately call the 24-Hour Child Abuse Report Line (currently 1-800-292-9582).
- 15.2 A licensee shall call OCCL and speak to someone within one business day during business hours (and follow this call with a written report within three business days) when the following things happen:
 - 15.2.1 A fire, flood, or other disaster causes damage so the home is unable to operate safely;
 - 15.2.2 A child in care is injured and needs medical/dental treatment other than first aid provided at the home;
 - 15.2.3 The phone number of the home changes (must also notify a parent/guardian and staff members);
 - 15.2.4 Suspected abuse or neglect of a child while in care (after reporting the suspicion to the 24-Hour Child Abuse Report Line);
 - 15.2.5 Suspected child abuse or neglect involving the licensee, household member, or staff member being investigated by the department;
 - 15.2.6 A youth wants to volunteer;
 - 15.2.7 Any known new charges, arrests, or convictions of the licensee, household member, or staff member;
 - 15.2.8 A child had a reaction to medication requiring medical treatment or received medical treatment because of a medication error, such as giving the wrong medication, giving the wrong dose, failing to give the medication, giving medication to the wrong child, or giving the medication by the wrong route; and
 - 15.2.9 Equipment breaks that threatens the health and safety of children in care, including but not limited to lack of working toilets, interruption of running water, loss of phone service, smoke/fire alarm system failure, and heating or air-conditioning failure.
- 15.3 A licensee shall call OCCL and speak to someone within five business days (and send follow-up documentation to the assigned licensing specialist within 10 business days) when the following changes:

- 15.3.1 Hours of child care provided;
- 15.3.2 Household members;
- 15.3.3 Household member turns 18 years old;
- 15.3.4 Substitute;
- 15.3.5 Licensee, household member, or staff member develops a serious health condition or is diagnosed with a mental illness (documentation from a health care provider is required to determine whether the health condition or mental illness creates a significant risk to children); or
- 15.3.6 Intended use of a substitute as listed in Section 14.0.
- 15.4 A licensee shall notify and receive OCCL and fire marshal approvals before changing the rooms used for care or providing care in the changed or new space.
- 15.5 When possible, a licensee shall notify OCCL in writing or by direct voice contact at least 60 days before moving the home to a new address. A new license shall be required at the new address before providing care there.

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

- 16.1 A licensee shall have daily attendance records for children that state the exact times children arrive at and depart from the home. A licensee shall keep these records for at least three months.
- 16.2 A licensee shall have daily records of an infant's feeding, sleeping, diapering, and other routine activities. A licensee shall share these records with the infant's parent/guardian at the end of each day. The record shall include documentation of checking the infant every 30 minutes when the infant is sleeping, or every 15 minutes for infants and children under age two as described in subsection 42.6. These sleep checks are to make sure the infant is breathing normally and not showing signs of distress.
- 16.3 A licensee shall ensure each child is observed on arrival for signs of communicable disease, injury, signs of ill health as listed in Section 29.0, and signs of child abuse or neglect. A licensee shall document concerns and steps taken to assist the child. A licensee shall keep documented concerns in the child's file. A person who suspects child abuse or neglect shall make a report to the Child Abuse Report Line.

17.0 Parents Right to Know Act

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

18.0 Children's Health Appraisal

- 18.1 A licensee shall ensure that within one month of enrollment, each child's file contains a health appraisal that includes an immunization record. A health care provider must have conducted this health appraisal within the last 12 months. A licensee does not need a health appraisal if other federal or State laws require the home to admit a child without a health appraisal. Health appraisals must be updated every 13 months. A licensee must keep the most recent health appraisal on file and it shall include:
 - 18.1.1 A health history;
 - 18.1.2 Physical examination;
 - 18.1.3 Growth and development;
 - 18.1.4 Immunizations;
 - 18.1.5 Medical information for treatment in case of emergency; and
 - 18.1.6 Additional recommendations regarding required medication, allergies, restrictions, or modifications of the child's activities, diet, or care, if applicable.
- 18.2 A licensee shall not require children in grades kindergarten or higher to submit additional health appraisals after a licensee receives one completed after the child began kindergarten or a higher grade.
- 18.3 A licensee shall ensure a child whose parent/guardian objects to immunizations on a religious basis or whose health care provider certifies that immunizations may be harmful to the child's health will be exempt from the immunization requirement. Documentation is required. A licensee must place this statement in the child's file.

19.0 Parent Communication

- 19.1 A licensee shall discuss the following information with parents/guardians during the enrollment process and as needed:
 - 19.1.1 Explain that parent/guardian visits are welcomed;

- 19.1.2 Explain nondiscriminatory practices and show respect for each family and culture;
- 19.1.3 Ask about each child's culture and community and discuss how to support these child care practices, especially concerning infants and toddlers;
- 19.1.4 State that parents/guardians are most important in children's development;
- 19.1.5 Identify the ongoing needs of the child and learn parent/guardian preferences, goals, concerns, or special circumstances that may influence the child's development, behavior, and learning;
- 19.1.6 Explain how infant activities, such as feeding or sleeping will be shared at the end of each day;
- 19.1.7 Explain safety procedures for indoors and outdoors, fires, pets, first aid, and emergencies;
- 19.1.8 Explain cleaning procedures, such as disinfecting, standard precautions, and diapering and toileting; and
- 19.1.9 Explain the program, including routine activities, equipment, and sleeping accommodations.
- 19.2 A licensee shall have and follow written policies in a handbook. The handbook shall be given to a parent/guardian at enrollment. The handbook must include the following information:
 - 19.2.1 A typical daily schedule;
 - 19.2.2 Positive behavior management policy;
 - 19.2.3 Health policy, including emergency health care that states how the parent/guardian will be notified, how the child will be transported, and what will happen if a parent/guardian cannot be reached; health exclusions listing when children are not allowed to be admitted or remain in care and what will happen when a child becomes ill and a parent/guardian cannot be reached; notification and prevention of an outbreak of a communicable disease, including a list of reportable communicable diseases, and how parents/ guardians will be informed if their children were exposed to a reportable communicable disease;
 - 19.2.4 Food and nutrition policy, including a statement that children are encouraged but not forced to eat; approximate times of snacks and meals; how food allergies and other dietary requirements are handled; and whether a licensee or parent/guardian will provide food;
 - 19.2.5 Release of children policy, including procedures to release children only to people approved by a parent/guardian; to check the identity of an unknown approved person before releasing the child and keep documentation of this verification; a process for the emergency release of a child; a process for handling situations in which a non-custodial parent attempts to claim the child without custodial parent/guardian permission; and a process to be followed when an unapproved person wants to pick up a child, or a person who seems to be intoxicated or unable to bring the child home safely requests release of a child;
 - 19.2.6 Reporting procedures for accidents, injuries, or serious incidents;
 - 19.2.7 Mandatory reporting policy of child abuse and neglect;
 - 19.2.8 Administration of medication procedures;
 - 19.2.9 Safe sleep practices for infants, if applicable;
 - 19.2.10 Description of animals or pets regardless of the location within the home; and
 - 19.2.11 Transportation policy, if applicable.

20.0 Children's Files

- 20.1 A licensee shall have an on-site private file for each child by the time care begins with the following information, unless otherwise stated:
 - 20.1.1 Child's first and last names, date of birth, address, and parents'/guardians' home and cell phone numbers, if applicable;
 - 20.1.2 Parents'/guardians' name(s), place(s) and hours of employment, and work phone number(s), if applicable;
 - 20.1.3 Names and emergency phone numbers for at least two people approved to pick up the child;
 - 20.1.4 First and last names of all people approved to pick up the child;
 - 20.1.5 Name and phone number of the child's health care provider;
 - 20.1.6 Health appraisal and immunization record (or exemption from immunization) on file at the home within 30 days of enrollment;
 - 20.1.7 Date child began care, hours/days child is to attend, and date child left care, if applicable;
 - 20.1.8 If provided by the parent/guardian, a statement of the child's medical, developmental, or educational special needs, and information on allergies, current illnesses or injuries, previous serious illnesses or injuries, and needed medications;
 - 20.1.9 Written approvals from parent/guardian for: emergency medical treatment and, if applicable, special dietary needs, swimming, administration of medication, use of electronics, sleeping on a mat as described in subsection 42.2.3, sleeping in another area as described in subsections 42.6 and 42.7, and transportation;

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

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

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

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

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

PHYSICAL ENVIRONMENT

21.0 General Safety

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

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

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

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

21.5 A licensee shall keep temperatures in rooms used by the children at a minimum temperature of 68°F and a maximum of 82°F unless overridden by federal and State energy laws. If any room temperature is above 60°F and below 90°F, a home shall return that room to the proper temperature within the next four hours or inform OCCL and close until a licensee restores the temperature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 21.18 A licensee shall have a bathroom with a working toilet and a sink that children can use. The sink must have hot and cold running water. Children may use a bathroom that is not on the child care level if it is the only bathroom in the house.
- 21.19 A licensee shall not allow children to use rooms or spaces reachable only by ladder, folding stairs, or through a trap door.
- 21.20 A licensee shall ensure a State fire marshal approved agency conducts an electrical inspection of the home every three years.
- 21.21 A licensee shall ensure all flammable and hazardous materials, including matches, lighters, medicines, drugs, alcohol, cleaning products, detergents, aerosol cans, plastic bags, cords and strings from window blinds, firearms, ammunition, and other similar items are stored safely in areas out of children's reach. Hazardous liquids and powders must be labeled with the contents.
- 21.22 A licensee shall keep any guns and ammunition stored in the home in a locked container or locked closet. A licensee shall store ammunition separate from guns.
- 21.23 A licensee shall keep trash in covered trashcans. Recyclable paper may be in uncovered containers. Trash shall be removed daily from rooms used by children and weekly from the home.
- 21.24 A licensee shall prohibit smoking in the home during child care hours and in the presence of children.

22.0 Fire Safety

- 22.1 A licensee shall ensure that all paths of egress, including stairways, hallways, windows, and doorways are functional and not blocked.
- 22.2 A licensee shall care for children on the ground level of the home or use another level only after meeting the conditions of the designated fire marshal.
- 22.3 A licensee shall ensure each exit door is at least 28 inches wide.
- 22.4 A licensee shall at least have a properly installed, battery-operated working smoke alarm. This alarm must have a safety certification mark from NRTL. A licensee shall place smoke alarms on the ceiling or six to 12 inches below the ceiling on each level of the home, basement, and all enclosed sleeping areas. A licensee shall ensure fire safety codes and on-going procedures as required by the designated fire marshal are followed.
 - 22.4.1 A licensee shall test these alarms monthly and document these tests in a log.
 - 22.4.2 A licensee shall replace the batteries at least yearly.
- 22.5 A licensee shall ensure a working carbon monoxide alarm is near any sleeping area used by children when the home has an attached garage or equipment using fuels, such as gas, oil, propane, wood, or kerosene. This includes an oven, furnace, water heater, or fireplace. The alarm must have a safety certification mark from NRTL. The alarm shall be installed it as stated in the manufacturer's instructions.
 - 22.5.1 A licensee shall test these alarms monthly and document these tests in a log.
 - 22.5.2 A licensee shall replace the batteries at least yearly.
- 22.6 A licensee shall complete a monthly fire prevention inspection and post the current report in a visible space.
- 22.7 When a family home changes from Level I to Level II or a child care home moves to a new address, a licensee shall submit plans to the designated fire marshal. The licensee shall follow the fire safety codes of the designated fire marshal. A licensee shall receive fire marshal approval before offering services.
- 22.8 A licensee shall have an easily accessible, charged portable dry chemical fire extinguisher rated 2A-10BC or above. A licensee shall mount the fire extinguisher no more than 40 inches above the finished floor. An inspector licensed by the State fire marshal shall inspect the fire extinguisher annually.

23.0 Kitchen

- 23.1 A licensee shall keep the kitchen, food preparation, storage, serving areas, and utensils clean and sanitary.
- 23.2 A licensee shall ensure the kitchen has at least one sink with hot and cold running water. Large family homes need an additional hand-washing sink.
- 23.3 A licensee shall ensure the home has a refrigerator to keep perishable food cold at 40°F or colder, and food stored in a freezer frozen at 0°F or colder. A licensee shall have a working thermometer in refrigerators and freezers used to store children's food.
- 23.4 A licensee shall ensure dishes and utensils are air dried unless sanitized and dried in a dishwasher.
- 23.5 A licensee shall ensure no dishes, cups, or glasses used by children are broken or defective.
- 23.6 A licensee shall ensure age-appropriate utensils, dishes, cups, glasses, or bottles are available for each child and not shared with another child during feeding.

24.0 Outdoor Climate, Area, and Equipment

- 24.1 Weather permitting, a licensee is required to provide daily outdoor play when the wind chill factor is 32°F or higher or the heat index is 89°F or lower. Outdoor play during periods outside this temperature range shall be up to a licensee, unless the National Weather Service (www.weather.gov) has issued a local advisory regarding health or safety risks. A licensee shall properly dress children for the weather.
- 24.2 A licensee shall provide active play and large muscle activities that consider the children's needs and whether they are able to participate. A licensee shall provide these activities either on the grounds or within safe walking distance of the home.
- 24.3 A licensee shall remove hazards before children begin to play outside. These hazards may include animal feces, toxic plants, broken or non-secure outdoor play equipment, building supplies and equipment, glass, sharp rocks, cigarette butts, beehives and wasp nests, a lawn mower, or debris. A licensee shall securely lock tool sheds, garages, and other outdoor buildings to prevent children from entering. Children shall be supervised while outdoors.
- 24.4 For a home licensed before January 1, 2009, the existing fencing of the on-site outdoor play area shall be acceptable as long as it is hazard-free and in good repair. When replacing the fencing, the new fencing shall fully comply with Section 51 for a family home and Section 56 for a large family home.
- 24.5 A licensee shall ensure outdoor play equipment is sturdy, safe, clean, and free from rough edges, sharp corners, pinch and crush points, splinters, and exposed bolts.
- 24.6 A licensee shall anchor large outdoor play equipment. A licensee cannot place stationary equipment on concrete or asphalt.
- 24.7 A licensee shall use materials in the outdoor play area that do not present a safety or choking hazard. These materials shall be free of unsafe contaminants, such as steel wires and unhealthy residue from deterioration.
- 24.8 If using gravel or stone as a ground cover for the outdoor play area, only pea gravel shall be acceptable. For homes licensed before January 1, 2009, the existing gravel or stone ground cover shall be acceptable.
- 24.9 A licensee shall keep outdoor sandboxes or play areas containing sand safe, sanitary, and covered when not in use.
- 24.10 The use of trampolines by children in care is prohibited.

25.0 Riding Toys

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

26.0 Swimming

- 26.1 A licensee shall ensure all children are under direct supervision while wading or swimming. During a swimming activity involving infants or toddlers, these children shall be within arm's reach of a licensee or staff member.
 - 26.1.1 Swimming pools and large wading pools that remain filled when not in use shall be inaccessible to children.
 - 26.1.2 The water in swimming pools used by children shall be treated, cleaned, and maintained according to Division of Public Health or "DPH" regulations.
 - 26.1.3 The pool and equipment shall be kept in a safe manner and be hazard-free.
 - 26.1.4 Small portable wading pools shall be cleaned and disinfected after each use.

27.0 Pets

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

28.0 Emergency Planning

- 28.1 A licensee shall have and follow a written emergency plan that describes what to do in case of a natural or man-made disaster. A licensee shall train staff members on the plan. The emergency plan shall include information and procedures for the following areas:
- 28.1.1 Preparing for a disaster;
 - 28.1.2 Assigning specific responsibilities to a licensee and staff members;
 - 28.1.3 Keeping track of children and staff, if applicable;
 - 28.1.4 Moving to a new location, if appropriate;
 - 28.1.5 Communicating with and returning children to families;
 - 28.1.6 Meeting the needs of infants, toddlers, and children with disabilities or medical conditions;
 - 28.1.7 Caring for children after the emergency;
 - 28.1.8 Contacting emergency response agencies and parents/guardians; and
 - 28.1.9 Locking down the home.
- 28.2 Monthly evacuation drills shall be practiced from all exit locations during different times of the day, including nap time. A licensee shall post an evacuation route diagram or exit signs. Each drill shall be documented and include:
- 28.2.1 Drill date and time;
 - 28.2.2 Numbers of children and adults who participated;
 - 28.2.3 Exits used; and
 - 28.2.4 Total time to evacuate the home.
- 28.3 A licensee shall develop and follow a written plan describing procedures to shelter-in-place for up to 24 hours due to a disaster. The plan shall include a list of emergency supplies kept on-site, including enough food that will not spoil, bottled water, and supplies to serve or prepare foods for one day without the use of electricity.

HEALTH

29.0 Child Health Exclusions

- 29.1 A licensee shall not permit a child who has symptoms listed below to enter or remain at the home. The child can only return when the symptoms are gone or with documentation from a health care provider stating the illness or symptoms pose no serious health risk to anyone. The documentation shall be written, or include a written follow-up if communicated verbally. The symptoms for exclusion shall include, but not be limited to, the following:
- 29.1.1 Temperature of 100°F or higher without medication even if there has not been a change in behavior for infants four months old and younger;
 - 29.1.2 Temperature of 101°F or higher without medication accompanied by behavior changes or symptoms of illness for children older than four months;
 - 29.1.3 Symptoms of possible severe illness, such as unusual tiredness, uncontrolled coughing, unexplained irritability, persistent crying, difficulty breathing, wheezing, or other unusual signs;
 - 29.1.4 Diarrhea; two or more times of loose stool during the past 24 hours, or if diarrhea is accompanied by fever, exclude for 48 hours after the symptoms end;
 - 29.1.5 Blood in stools not due to change in diet, medication, or hard stools;
 - 29.1.6 Vomiting; two or more times in the past 24 hours, or one time if accompanied by a fever until 48 hours after the symptoms end or until a health care provider determines the vomiting is not contagious and the child is not in danger of dehydration;
 - 29.1.7 Ongoing stomach pain (more than two hours) or off-and-on pain due to a fever or other symptom;
 - 29.1.8 Mouth sores with drooling;
 - 29.1.9 Rash with fever or behavior change;
 - 29.1.10 Pink eye (with white or yellow eye discharge), until 24 hours after starting antibiotic treatment;
 - 29.1.11 Scabies, until 24 hours after starting treatment;
 - 29.1.12 Head lice, until 24 hours after starting treatment;
 - 29.1.13 Tuberculosis, as directed by DPH;
 - 29.1.14 Impetigo, until 24 hours after starting antibiotic treatment and sores are dry;
 - 29.1.15 Strep throat, until 24 hours after starting antibiotic treatment;

- 29.1.16 Chickenpox, until all sores have crusted and are dry (usually six days);
 - 29.1.17 Shingles, only if sores cannot be covered by clothing or a bandage; if not, exclude until sores have crusted and are dry;
 - 29.1.18 Pertussis, until completing five days of antibiotic treatment;
 - 29.1.19 Mumps, until five days after onset of glandular swelling;
 - 29.1.20 Hepatitis A virus, until one week after onset of jaundice, or as directed by DPH;
 - 29.1.21 Measles, until four days after arrival of rash;
 - 29.1.22 Rubella, until seven days after arrival of rash;
 - 29.1.23 Cold sores, if the child is too young to have control of saliva; or
 - 29.1.24 Unspecified illness if the child is unable to participate in activities or the facility cannot provide care for this child and the other children.
- 29.2 A licensee shall ensure temperatures for children under three years old are taken with a non-glass thermometer under the arm or by forehead scan. A digital oral thermometer may be used for children three years and older. Rectal and ear temperatures may not be taken.
 - 29.3 A licensee shall ensure that if a child shows signs of ill health as listed above, the child's rest, comfort, food, drink, and activity needs are met until the child is picked up from the home.
 - 29.4 A licensee shall report reportable communicable diseases to DPH. For information on these diseases, a licensee shall call DPH or refer to their website, currently <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.
 - 29.5 A licensee shall not allow a child with a reportable communicable disease to be admitted to or remain at the home unless a health care provider documents that the illness poses no serious health risk to anyone or DPH tells the licensee that the child is not a health risk to others. If the health care provider states the child can return and DPH says the child cannot return, follow DPH's instructions.
 - 29.6 When a health care provider diagnosed a child with a reportable vaccine-preventable communicable disease, a licensee shall exclude all children who are not immunized against the disease following DPH's instructions.

30.0 Standard Precautions

- 30.1 A licensee shall ensure standard precautions are used to protect against disease and infection. Spills of body fluids (i.e. urine, feces, blood, saliva, and discharges from the nose, eyes, an injury, or other tissue) shall be cleaned up immediately, as follows:
 - 30.1.1 For vomit, urine, and feces on surfaces including floors, walls, bathrooms, tabletops, toys, kitchen counters, diaper-changing tables, and toilet training chairs, the area shall be cleaned with soap and water, and then disinfected.
 - 30.1.2 For blood, blood-containing fluids, and tissue discharges, a licensee shall ensure that open skin sores or mucous membranes are not touched, waterproof gloves are worn, and the area is cleaned with soap and water, and then disinfected.
 - 30.1.3 Bloody material and disposable diapers shall be put in a plastic bag, tied securely, and thrown away. Bloody clothing shall be placed in a plastic bag, tied securely, and returned to the child's parent at pick up.
 - 30.1.4 Mops shall be cleaned, rinsed, disinfected, wrung, and hung to dry.

31.0 First Aid Kit

- 31.1 A licensee shall have at least one complete first aid kit. A licensee or staff member, if applicable, shall take a kit on field trips/program outings. The kit shall include:
 - 31.1.1 Disposable waterproof gloves;
 - 31.1.2 Scissors;
 - 31.1.3 Tweezers;
 - 31.1.4 A non-glass thermometer to measure a child's temperature;
 - 31.1.5 Bandage tape;
 - 31.1.6 Sterile gauze pads;
 - 31.1.7 Flexible rolled gauze;
 - 31.1.8 Triangular bandage or sling;
 - 31.1.9 Safety pins;
 - 31.1.10 Eye patch or dressing;
 - 31.1.11 Pen/pencil and note pad;

31.1.12 Instant cold pack;

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

31.1.14 Small plastic, metal, or wooden finger splints;

31.1.15 Non-medicated adhesive strip bandages; and

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

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

31.2.1 Bottled water;

31.2.2 Liquid soap;

31.2.3 Medications needed; and

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

32.0 Child Accident and Injury

32.1 A licensee shall ensure when a child in care has an accident or injury, assistance is given to protect the child from further harm, an ambulance is called if needed, and the child's parent/guardian is informed.

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

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

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

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

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

33.0 Administration of Medication

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

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

33.2.1 The name and birth date of the child;

33.2.2 Medication allergies;

33.2.3 Doctor name and phone number;

33.2.4 Pharmacy name and phone number;

33.2.5 Name of medication;

33.2.6 Dosage (amount given);

33.2.7 Time or frequency (when given);

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

33.2.9 Medication expiration date;

33.2.10 End date (when to stop giving);

33.2.11 Reason for medication; and

33.2.12 Special directions.

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

33.3.1 Stored securely and out of children's reach;

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

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

33.3.4 Current and has not expired;

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

- 33.3.6 Given only to the child whose name is listed on the prescription in the way and dosage listed on the container's instructions.
- 33.4 A licensee shall ensure all non-prescription medication is given as instructed. Non-prescription medication shall be:
 - 33.4.1 Stored securely and out of children's reach;
 - 33.4.2 Refrigerated, if applicable, in a closed container separate from food;
 - 33.4.3 In its original container and properly labeled with directions on how to give or use it;
 - 33.4.4 Current and has not expired;
 - 33.4.5 Labeled with the child's name; and
 - 33.4.6 Given as listed on the container's instructions, unless a child's health care provider states in writing how it is to be given.
- 33.5 A licensee shall keep a written record of medication given to children on the Medication Administration Record or "MAR" including medication dosage, time given, who gave it, unwanted effects observed, and medication errors. Medication errors include giving the wrong medication, giving the wrong dose, failing to give the medication, giving medication to the wrong child, or giving the medication by the wrong route. Unwanted effects or errors in administering shall be immediately reported to the parent/guardian. When known, a licensee shall notify OCCL when unwanted effects or errors in administering medication results in death or medical/dental treatment as described in Section 15.0.
- 33.6 A licensee shall keep the MAR in the child's file.

34.0 Diapering and Toileting

- 34.1 A licensee shall check diapers hourly for wetness and feces and when a child acts as though the diaper is wet or soiled. Diapers and other clothing shall be changed when they are found to be wet or soiled. Diaper changes for infants shall be written down. Soiled clothing shall be placed in a sealed plastic bag, labeled with the child's name, and returned to the child's parent/guardian at the end of the day.
 - 34.1.1 A licensee shall keep a supply of clean diapers and extra clothing available for each child either by providing them or requiring the parent/guardian to provide them.
 - 34.1.2 A licensee shall ensure soiled reusable diapers are not emptied or rinsed but placed in a sealed plastic bag separate from a child's wet or soiled clothing. The bag must be labeled with the child's name and sent home with the child at the end of the day.
- 34.2 A licensee shall ensure a home has a diaper-changing area not in kitchen. It shall have a clean, washable, and waterproof surface.
- 34.3 A licensee shall ensure used diapers are placed in a foot-activated trashcan that is only for diapers. This trashcan shall be within arm's reach of the changing area, lined with a plastic bag, and sanitized daily. Diapers shall be removed from the home at least daily or when needed and placed in a closed trashcan outside the home.
- 34.4 A licensee shall have and follow a procedure for changing diapers that includes the following items:
 - 34.4.1 A diaper-changing area is used to change diapers;
 - 34.4.2 Diapers are disposed of as stated in these regulations;
 - 34.4.3 Each child is washed during each diaper change with a clean wipe or washcloth;
 - 34.4.4 The person changing the diaper washes his/her hands and the hands of the child with soap and water immediately after each diaper change; and
 - 34.4.5 The diaper-changing area is cleaned with soap and water and then sanitized with a disinfectant solution after each use.
- 34.5 If using potty-chairs for toilet training, a licensee shall ensure they are located in a bathroom. Potty-chairs shall be made of a waterproof material. They shall be cleaned with soap and water and then sanitized after each use.
- 34.6 A licensee shall ensure liquid soap, paper towels or a hand-dryer, and toilet paper are available at all times in the bathroom.

35.0 Sanitation

- 35.1 A licensee shall ensure areas and equipment listed in subsections 35.2 and 35.3 are washed with soap and water, and then disinfected as required. For sanitizing and disinfecting, a licensee shall ensure one of the following is used: an EPA-registered product, a commercially prepared product, or a bleach and water solution.

A licensee shall follow the manufacturer's instructions for use. These products shall be labeled with the contents. Their instructions for use shall be available at all times.

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

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

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

35.2.3 Diapering surfaces, as required in subsection 34.4.5;

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

35.2.5 Toys children put in their mouths;

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

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

35.2.8 Thermometers.

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

35.3.1 Toilets and toilet seats;

35.3.2 Sinks and faucets;

35.3.3 Diaper pails and lids;

35.3.4 Drinking fountains;

35.3.5 Water table and equipment;

35.3.6 Play tables;

35.3.7 Rest mats that are stored touching each other;

35.3.8 Waterproof activity mats; and

35.3.9 Smooth waterproof floors.

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

35.4.1 Using washable toys with diapered children; and

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

36.0 Hand Washing

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

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

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

37.0 Food, Water, and Nutrition

37.1 A licensee shall ensure drinking water is always available to children.

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

37.2.1 2 hours - 4 hours -1 snack;

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

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

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

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

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

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

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

37.5.2 Have foods from the basic food groups as follows:

- 37.5.2.1 Milk: liquid pasteurized skim, 1%, or 2% cow's milk for children over two years old. Infants shall be fed formula or breast milk. One-year-old children shall be fed whole liquid pasteurized cow's milk when not on formula or breast milk;
- 37.5.2.2 Proteins or meat alternate: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;
- 37.5.2.3 Fruits and vegetables: a variety of fresh, frozen, or canned vegetables and fruits without added sugar; and
- 37.5.2.4 Grains or breads: whole grain and enriched products, such as breads, cereals, pastas, crackers, and rice.
- 37.5.3 May include 100% unsweetened juice, not a juice drink or cocktail;
- 37.5.4 May include powdered milk only for cooking and not instead of liquid milk for drinking;
- 37.5.5 Are planned on a menu, dated, and posted in a noticeable place.
 - 37.5.5.1 Menus listing foods served shall be kept for 30 days. Changes to the food served on a certain date shall be written on the menu on or before that date.
 - 37.5.5.2 A sample two-week menu shall be sent with a renewal application.
- 37.6 A licensee shall ensure when a parent/guardian requests a change of meal patterns due to a medical need, such as food intolerance or allergies, the parent/guardian provides written health care provider permission for the change.
- 37.7 A licensee shall ensure when a parent/guardian requests a change of meal patterns due to a family's food preferences or religious belief, the parent/guardian provides a list of the foods to remove and the foods to substitute.
- 37.8 Meal Components for Toddlers and Older Children:
 - 37.8.1 A licensee shall ensure a breakfast provided and served by a home has at least one age-appropriate serving-size item each from the milk, fruit and vegetable, and grain or bread food groups as described in the appendix.
 - 37.8.2 A licensee shall ensure lunch or dinner provided and served by a home, has one age-appropriate serving-size item from each of the milk, meat or meat alternate, grain or bread food groups, and two items from the fruit and vegetable food group as described in the appendix.
 - 37.8.3 A licensee shall ensure a snack provided and served by a home has at least one age-appropriate serving-size item from two of the food groups as described in the appendix. If milk or 100% juice is not included with a snack, water shall be served with that snack.
- 37.9 For foods prepared and served by the home, a licensee shall introduce a variety of food textures, finger foods, and a cup and utensils appropriate for self-feeding. If needed, a licensee shall cut food to prevent choking.
- 37.10 All single-service dinnerware or utensils provided by the home for meals or snacks shall be thrown away immediately after use.
- 37.11 When foods are provided by the parent/guardian, a licensee shall ensure the foods are refrigerated as needed and not shared. There are no meal pattern requirements for foods provided by parents/guardians. A licensee shall have a plan for providing food to a child who has not brought foods to eat.

38.0 Feeding of Infants

- 38.1 A licensee shall ensure an infant is given foods and drinks on demand or during the infant's regular eating habits according to the following guidelines:
 - 38.1.1 A parent/guardian provides a written feeding schedule listing the foods and drinks, including specific formula or breast milk, an infant eats and drinks. This schedule shall be updated monthly and as needed;
 - 38.1.2 A written record of each infant's food intake shall be shared with the parent/guardian daily. Feeding problems shall be discussed with the parent/guardian before the infant leaves that day;
 - 38.1.3 Introduction to all new foods and beverages shall be made only with the parent's/guardian's permission;
 - 38.1.4 For infants four months or older, semi-solid foods may be fed as requested by the parent/guardian and shall be required once an infant is eight months old unless the parent/guardian provides written health care provider documentation stating otherwise;
 - 38.1.5 Mixing formula or breast milk in a bottle with cereal, juice, or anything other than water requires written health care provider permission;
 - 38.1.6 An infant shall be held for bottle-feeding. When an infant is able to hold a bottle or does not want to be held while fed, the infant may be seated in a high chair or at a feeding table. Only one infant shall be held while bottle feeding;

- 38.1.7 A licensee shall ensure infants are allowed to take breaks during feedings. Infants shall be checked for signs of fullness and shall be allowed to stop eating when full unless written health care provider documentation requires the feeding to continue;
- 38.1.8 An infant shall never be placed in sleep equipment with a bottle or have a bottle propped for feeding;
- 38.1.9 Bottles and infant foods shall be warmed for no more than five minutes under running warm tap water or by placing them in a container of water that is no warmer than 120°F. They shall not be warmed or thawed in a microwave oven;
- 38.1.10 Foods for infants shall have a texture and consistency that helps them to eat safely. Puréed foods must be served from a dish unless serving the entire contents of the jar.
- 38.1.11 Cow's milk shall not be served to infants;
- 38.1.12 Bottles and nipples kept by a licensee shall be washed and sanitized before each use;
- 38.1.13 Each infant's bottle shall be labeled with the infant's name and refrigerated immediately after preparation at the home or on arrival if prepared by a parent/guardian;
- 38.1.14 An unused bottle shall also be labeled with the date it was prepared if not returned to the parent/guardian at the end of the day;
- 38.1.15 Formula shall only be prepared from a factory-sealed container; unused portions of formula shall be thrown away after being unrefrigerated for one hour; refrigerated, unused, prepared formula shall be thrown away after 48 hours;
- 38.1.16 Parent/guardian permission is needed to feed formula to an infant receiving only breast milk;
- 38.1.17 Breast milk shall be fed to the infant it was intended for. Frozen breast milk shall be thawed under running cold water or in the refrigerator and used within 24 hours. Expressed breast milk in a partially used bottle or unrefrigerated for more than one hour shall be thrown away. Refrigerated, unused, expressed breast milk that was never frozen shall be thrown away after 48 hours. Breast milk that was frozen and stored in a freezer at 0°F shall be thrown away after six months;
- 38.1.18 Juice may not be fed to infants until they are able to drink from a cup unless by written parent/guardian request; and
- 38.1.19 A licensee shall encourage the use of a cup when a child is at least one year old or developmentally able to drink from and hold a cup.

PROGRAM FOR CHILDREN

39.0 Activities and Interactions

- 39.1 A licensee shall interact with children at their eye level and sit on the floor with them whenever appropriate. A licensee shall offer age-appropriate activities to children throughout the day to help their development and school-readiness.
- 39.2 A licensee shall provide activities and materials that reflect children's cultures and communities, including both familiar and new materials, pictures, and experiences.
- 39.3 A licensee shall ensure activities and materials are adapted to support all children's learning, including those with disabilities.
- 39.4 A licensee shall have and follow a schedule that is posted for easy viewing by parents/guardians and staff members. The schedule shall list times for the following activities: learning opportunities, indoor and outdoor play, rest, meals, and snacks. This schedule may be flexible to meet the needs and interests of the children.
- 39.5 A licensee shall provide chances for physical activity for each child according to the child's ability. For every three hours the child is in care between 7AM and 7PM, 20 or more minutes of physical activity shall be provided. Daily active play may be divided into one or more blocks of time. It may be indoors or outdoors.
- 39.6 Weather permitting, infants, toddlers, and older children shall be provided with daily outdoor play. For infants, this may include riding in a stroller or buggy, but must also include play that involves using larger muscles in their arms, legs, feet, and entire body. These may occur on a blanket or other hazard-free space.
- 39.7 A licensee and staff members shall give each child attention and physical comfort.
- 39.8 A licensee shall ensure children are not in cribs, pack-n-plays, swings, high chairs, seats, or stationary activity centers for more than 30 minutes while awake. Toddlers and infants, as appropriate shall be provided with an activity during this time. After removing the child from the equipment, children shall be able to move freely on the floor.
- 39.9 A licensee shall offer activities that meet the needs and interests of school-age children by providing age-appropriate activities, materials, and equipment. These activities shall include the following:

- 39.9.1 Active physical play, such as games, sports, dancing, running, jumping, climbing, or exploring the environment;
- 39.9.2 Outdoor activities or active indoor play in bad weather;
- 39.9.3 Time to talk and interact with others; and
- 39.9.4 Time to relax or quiet activities, such as board or card games, reading, homework, and studying.
- 39.10 A licensee shall ensure activities, such as watching television or using a gaming device, tablet, phone, or computer are supervised, age-appropriate, and educational. These screen time activities require written parent/guardian permission and are limited to one hour or less per day, unless a special event occurs.

40.0 Equipment

- 40.1 A licensee shall provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall help provide many experiences that support all children's social, emotional, language/literacy, intellectual, and physical development.
- 40.2 A licensee shall ensure enough materials and equipment are available for all children to use. They must include a wide variety of choices for play and learning.
- 40.3 A licensee shall ensure toys and equipment used by children are sturdy, safely assembled, hazard-free, and not recalled. Toys and equipment shall not cause children to become trapped or have rough edges, sharp corners, pinch or crush points, splinters, exposed bolts, or small loose pieces. For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission's or "CPSC's" website, currently www.cpsc.gov.
- 40.4 A licensee shall have infant seats with trays and use T-shaped safety straps for table play and mealtimes for children no longer held for feeding. If using a high chair to meet this requirement, it must also have a wide base.
- 40.5 A licensee shall prohibit the use of walkers unless prescribed by a health care provider for a specific child.
- 40.6 A licensee shall prohibit toys that explode or shoot things.
- 40.7 A licensee shall ensure children under three years old do not have access to empty plastic bags, Styrofoam objects/cups/bowls/toys, latex balloons, and objects less than one inch wide.

41.0 Positive Behavior Management

- 41.1 A licensee shall have and follow an easy-to-understand written behavior management statement for children. This statement shall be given to parents/guardians and staff members.
- 41.2 A licensee and staff members shall recognize and encourage acceptable behavior; supervise with an attitude of understanding and firmness; give clear directions and provide guidance at the child's level of understanding; intervene quickly to ensure the safety of the child and others; redirect children by suggesting other acceptable behaviors; and speak so children understand their feelings are acceptable, but the behavior is not. As children develop, these methods shall encourage children to control their own behavior, cooperate with others, and solve problems by talking things out.
- 41.3 A licensee shall consult with a child's parent/guardian and professionals, if necessary, to create a plan to correct unacceptable behavior.
- 41.4 A licensee and staff members shall teach by example by being respectful when speaking with children and others.
- 41.5 "Time-out", if used, shall be used only as necessary to help the child gain control of behaviors and feelings. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age. A child removed from the group during a "time-out" shall be supervised.
- 41.6 A licensee shall ensure the following acts are prohibited:
 - 41.6.1 Roughly handling a child or physical punishment inflicted on a child's body, including shaking, striking, hair-pulling, biting, pinching, slapping, hitting, kicking, or spanking;
 - 41.6.2 Yelling at, humiliating, or frightening children;
 - 41.6.3 Physically or sexually abusing a child;
 - 41.6.4 Encouraging or allowing children to hit or punish each other;
 - 41.6.5 Making negative comments about a child's looks, ability, ethnicity, family, or other personal traits;
 - 41.6.6 Denying children food or toilet use as a result of inappropriate behavior;
 - 41.6.7 Tying, taping, chaining, caging, or restraining a child by a means other than holding. The child is held only as long as necessary for the child to regain control;

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

41.6.9 Withholding physical activity as punishment.

42.0 Sleeping Accommodations and Safe Sleep Environments

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

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

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

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

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

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

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

42.4.1 Cribs shall not be stacked while in use.

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

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

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

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

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

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

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

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

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

43.0 Field Trips and Outings

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

- 43.2 A licensee shall have written parent/guardian permission before taking a field trip. The permission slip must state the location of the trip and who will provide transportation.
- 43.3 A licensee shall have written parent permission for routine outings. The permission slip must state how often the outing occurs, the location of the outing, and how children will travel to the location.
- 43.4 A licensee shall have and follow a plan for field trips or routine outings that includes procedures for accounting for children at all times and transporting children in an emergency. Medical consent forms and emergency contact information for all children, a traveling first aid kit, and a working phone shall be taken on trips or outings. The home's name and phone number shall be on tags or another label on each child. A child's name or information that directly identifies the child shall not be placed on the child.
- 43.5 A licensee shall ensure children are under constant supervision whenever off-site to ensure safety. Parents/guardians volunteering for field trips shall never be alone with children other than their own.

44.0 Transportation

- 44.1 A licensee shall ensure the driver and vehicle used to transport children complies with all applicable federal, State and local laws. The licensee shall not use 12-15 passenger vans to transport children.
- 44.2 A licensee shall ensure the driver of a vehicle does not transport more children and adults than the vehicle's capacity determined by the manufacturer.
- 44.3 A licensee shall ensure the vehicle is inspected for safety before transporting children.
- 44.4 A licensee shall ensure each child is secured in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while the vehicle, other than a school bus, is in motion. Safety restraints shall be federally approved and labeled according to the applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used as determined by the manufacturer and vehicle's instruction manual. Safety restraints shall be kept in a safe working condition and free of recall.
- 44.5 A child preschool-age or younger shall only be transported on a school bus that is properly equipped with child safety restraints. With written parent/guardian permission, a child preschool-age or younger may be transported on a school bus unrestrained. A licensee shall explain to parent(s)/guardian(s) in writing that while child safety restraints on school buses for children preschool-age or younger are not currently required by State law, the National Highway Traffic Administration recommends that children in this age group always be transported using child safety restraints.
- 44.6 A licensee shall ensure vehicles used to transport children, including parent/guardian vehicles used for field trips (unless only transporting his/her own children), have and use, the following:
 - 44.6.1 A working heater capable of keeping an interior temperature of at least 50°F;
 - 44.6.2 Air-conditioning to reduce the interior temperature when it exceeds 82°F (school buses are exempt);
 - 44.6.3 A working phone;
 - 44.6.4 A traveling first aid kit including children's emergency contact information; and
 - 44.6.5 A dry chemical fire extinguisher approved by Underwriter's Laboratory.
- 44.7 A licensee shall ensure children are loaded and unloaded at the vehicle's curbside or in a protected parking area or driveway.
- 44.8 A licensee shall ensure all doors are locked when the vehicle is moving.
- 44.9 A licensee shall have written parent/guardian permission for transportation provided by the home. A licensee shall document arrangements with the parent/guardian when driving children to and from the child's school. A licensee shall inform the parent/guardian who is driving the vehicle and ask about special needs the child may have during the ride.
- 44.10 A licensee shall ensure children are never alone in the vehicle and the vehicle is visually checked at the final location so that no child is left behind.
- 44.11 A licensee shall not transport children in the open back of a truck.

45.0 Overnight Child Care

- 45.1 A licensee providing overnight care shall ensure children are supervised at all times.
- 45.2 A licensee shall provide a program of activities to children before bedtime.
- 45.3 A licensee shall meet a child's needs for attention at bedtime and upon waking. A licensee shall discuss with the parent/guardian any special preferences or habits regarding bedtime and waking and share this information with the staff member, if applicable, in charge of the child.
- 45.4 A licensee shall separate sleeping children from children who are awake.
- 45.5 A licensee shall ensure school-age children do not share a dressing area with people of the opposite sex.

- 45.6 A licensee shall provide the following equipment for each child in care between the hours of 10:00 PM and 6:00 AM, who sleeps for four or more hours:
- 45.6.1 A child under 18 months old who does not walk shall sleep in a crib, playpen, or pack-and-play;
 - 45.6.2 A child between 12 and 18 months old who walks may sleep on a bed with safety rails with written parent/guardian permission;
 - 45.6.3 Children 18 months old and older may sleep in a crib, playpen, or pack-and-play if the child fits comfortably or in an individual bed with a mattress that is covered with sheets and a blanket; and
 - 45.6.4 A pillow with a pillowcase for each child in a bed.
- 45.7 A licensee shall ensure each child has clean and comfortable clothes to sleep in.
- 45.8 A licensee shall follow the parent's/guardian's wishes regarding bathing the child and note this request in the child's record.
- 45.8.1 Each child shall be bathed individually.
 - 45.8.1.1 Bathing equipment shall be cleaned with soap and water and then sanitized before each use and equipped to prevent slipping.
 - 45.8.1.2 An infant shall be bathed in age-appropriate bathing equipment.
 - 45.8.1.3 No child may be bathed in a sink used for cleaning dishes or utensils.
 - 45.8.2 Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.
 - 45.8.3 Individual towels and washcloths shall be provided for each child.
- 45.9 A licensee shall ensure no child is unsupervised while in a bathtub or shower. A licensee shall allow a child capable of bathing alone to bathe in private with written parent/guardian permission. A licensee or staff member, if applicable, shall respect that child's privacy but be immediately available to ensure the child's safety and to offer help if requested.
- 45.10 A licensee shall ensure there is a night light in the bathroom, hallway, and sleeping areas based on the individual needs of the children.
- 45.11 A licensee shall ensure combs, toothbrushes, brushes, and other such personal items are labeled with the child's name, stored separately, and used only by that child.

ADDITIONAL PROVISIONS FOR FAMILY CHILD CARE

46.0 Maximum Consecutive Hours of Child Care

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

47.0 Qualifications

- 47.1 A licensee shall submit copies of training certificates, transcripts, and/or diplomas to OCCL as proof of meeting the qualifications for a particular level.
- 47.2 For programs licensed after January 1, 2009, a licensee shall be at least 18 years old and have at least a high school diploma or its equivalent to qualify as a Level I family home.
- 47.3 A licensee shall request approval from OCCL to move from a Level I to a Level II family home. A licensee shall not operate a Level II family home until receiving written approval from OCCL.
- 47.4 A licensee shall have the following experience to qualify as a Level II:
 - 47.4.1 Twenty-four months of experience working with children in a group; or
 - 47.4.2 Three months of supervised student teaching; or
 - 47.4.3 Twenty-four months of providing child care as a licensed Level I family home with no substantiated complaints for serious health and safety violations, or substantial noncompliance.
- 47.5 A licensee shall be at least 18 years old and have at least a high school diploma or its equivalent, and successfully complete one of the following to qualify as a Level II:
 - 47.5.1 Sixty clock hours of training with three clock hours in each of the following areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration related to running a child care; or
 - 47.5.2 Three college/university credits in courses related to any of the following areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration related to running a child care; or

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

48.0 Training

- 48.1 A licensee and substitute used for planned, non-emergency situations as stated in Section 14.0 shall complete certifications in first aid and in cardio-pulmonary resuscitation or "CPR". The CPR certification shall require a skill demonstration and be appropriate to the ages of the children in care. Certifications shall be kept current.
- 48.2 A licensee shall successfully complete at least 12 clock hours of annual training as accepted by OCCL.
 - 48.2.1 Annual training shall be within three of the following areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration related to running a child care facility.
 - 48.2.2 Annual training may be within one or two areas if a college/university course was successfully completed or a training was six or more clock hours in length.
- 48.3 A licensee shall complete annual training during the dates that appear on the annual license.

49.0 Capacity

- 49.1 A Level I family home shall be licensed to provide child care for up to four children preschool-age or younger and for up to two additional school-age children that do not live in the family home and attend only before school, after school, during school holidays, and during school vacation;
 - 49.1.1 No more than two of the six children may be under the age of 12 months; and
 - 49.1.2 No more than six children may be present at any time. School-age children may fill preschool-age or younger children's spaces.
- 49.2 Another option for a Level I family home is to provide child care for up to five children preschool-age and younger and no additional school-age children that do not live in the family home;
 - 49.2.1 No more than two of the five children may be under the age of 12 months; and
 - 49.2.2 No more than three of the five children may be under the age of 24 months.
- 49.3 A Level II family home shall be licensed to provide child care for up to six children preschool-age or younger and for up to three additional school-age children who do not live in the family home and attend only before school, after school, during school holidays, and during school vacation;
 - 49.3.1 No more than two of the nine children may be under the age of 12 months; and
 - 49.3.2 No more than four of the nine children may be under the age of 24 months; and
 - 49.3.3 No more than nine children may be present at any time. School-age children may fill preschool-age or younger children's spaces.

50.0 Indoor Space

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

51.0 Outdoor Fencing

- 51.1 A licensee shall ensure the outdoor play area of the family home is fenced if hazards are near. Such hazards include, but are not limited to, high traffic roads, water in streams, rivers, ponds, lakes, pools, railroads, steep mounds or drop-offs, and high voltage wires or poles/towers.
 - 51.1.1 Fencing shall be sturdy, safe, reinforced at intervals to give support, constructed to discourage climbing, and allow for viewing the children.
 - 51.1.2 Fencing shall be at least four feet in height with openings no larger than 3½ inches.
 - 51.1.3 Gates shall have a self-closing and self-latching closure device. The latch or closure device shall be high enough or made so small children cannot open it.
 - 51.1.4 Fenced areas shall have at least two exits. At least one exit shall be away from the building.

ADDITIONAL PROVISIONS FOR LARGE FAMILY CHILD CARE HOMES

52.0 Insurance

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

53.0 General and Fire Safety

- 53.1 A licensee shall ensure a large family home is constructed, used, furnished, maintained, and equipped in compliance with all applicable requirements established by federal, State, local, and municipal regulatory bodies.
- 53.1.1 A licensee shall have written compliance certification from appropriate regulatory bodies governing zoning, building construction, and fire safety.
- 53.1.2 The designated fire marshal shall conduct a fire inspection annually.
- 53.1.3 A licensee shall ensure the large family home is free of hazardous materials. If the large family home was constructed before 1978, a licensee shall provide a lead-paint risk assessment performed by a certified environmental testing firm showing the home to be free of lead-based paint hazards. If a firm finds concerns, a lead inspection is required. A licensee shall submit the findings of this test. Buildings constructed after 1978 are exempt from lead-paint assessments and testing.
- 53.2 A licensee or staff member shall conduct monthly fire prevention inspections. A licensee or staff member shall post a copy of the latest inspection report in a visible place at the large family home.

54.0 Kitchen

- 54.1 A licensee shall ensure the large family home has at least one separate sink used only for hand washing in the kitchen used for food preparation.
- 54.2 A licensee shall ensure in addition to the hand-washing sink listed in the above regulation, the large family home also has one of the following options:
 - 54.2.1 Two-compartment sink in the kitchen, with one compartment used for food preparation and the other used for washing and sanitizing cooking and eating utensils; or
 - 54.2.2 One other sink in the kitchen used for food preparation along with a dishwasher that has a sanitizer cycle used for washing and sanitizing cooking and eating utensils.
- 54.3 A licensee shall ensure the large family home has an oven or microwave and a range or cook top.
- 54.4 A licensee shall ensure the large family home kitchen has either a window that opens or an exhaust fan for the removal of smoke and odors.
- 54.5 A large family home is exempt from Section 54.0 when parents/guardians provide the food for meals and snacks or a licensee uses a caterer. No food preparation may occur on-site when the large family home's kitchen does not meet the requirements in Section 54.0.

55.0 Indoor Space

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

56.0 Outdoor Fencing and Space

- 56.1 A licensee shall ensure the outdoor play area of the large family home is fenced.
- 56.2 Fencing shall be sturdy, safe, reinforced at intervals to give support, constructed to discourage climbing, and allow the viewing the children.
- 56.3 Fencing shall be at least four feet in height with openings no larger than 3½ inches.
- 56.4 Gates shall have a self-closing and self-latching closure device. The latch or closure device shall be high enough or made so small children cannot open it.
- 56.5 The fenced area shall have at least two exits. At least one exit shall be away from the building.
- 56.6 The outdoor play area shall provide 50 square feet of play space for each child for the maximum number of children who will use the playground at one time.

57.0 Personnel Policies

- 57.1 A licensee shall have written personnel policies and procedures available to staff members. These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension, and lay-off of the staff member according to applicable laws. A statement signed by the staff member on the orientation form shall confirm the review of these personnel policies and procedures and that the staff member was able to ask questions and receive clarification.
- 57.2 A licensee shall develop, follow, and keep on file written policies and procedures that comply with applicable laws for handling suspected child abuse or neglect that occurs while a child is in or out of the large family home's care.
- 57.3 A licensee shall ensure no one abuses or neglects children.
- 57.4 A licensee shall take corrective action to remove the conditions that may have caused or otherwise resulted in a risk of abuse or neglect to children, if the abuse or neglect happened at the home by a staff member.
- 57.5 A licensee shall ensure a licensee or staff member accused of child abuse or neglect is prohibited from working with children until the results of an investigation are completed and OCCL clears the individual to work with children.

58.0 Personnel Files

- 58.1 A licensee shall have a personnel file for each staff member. This file shall be available upon request for three months after employment ends. Except as noted, all file contents are required at the start of employment and shall include the following:
 - 58.1.1 Completed application, or résumé containing the person's name, date of birth, home address, and phone number;
 - 58.1.2 Work start date, and end date, if applicable;
 - 58.1.3 Two references from adults not related to the person who can verify the person can meet the needs of children. These references can be letters or written notes gathered by calling the reference. Phone references require the reference's name, phone number, date called, information about the staff member's character and if the reference has knowledge about how the person works with children, and the name of person receiving the reference;
 - 58.1.4 Release of employment history form and received Service Letters, or documentation showing requests, and follow-up for Service Letters has been made. If the person has not worked or if unable to get at least one completed service letter, two additional reference letters or phone references are required;
 - 58.1.5 Proof of qualifications, if applicable;
 - 58.1.6 Health appraisal on file within the first month of employment, conducted within one year before the start date. The appraisal must state the person is able to provide child care.
 - 58.1.7 TB test or medical professional risk assessment on file within the first month of employment, conducted within one year before the start date, with further testing if a health care professional has concerns regarding the person's health or according to DPH's guidelines (current website: www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf);
 - 58.1.8 A statement signed by the staff member stating the staff member's status regarding all previous conviction(s), current indictment or involvement in criminal activity involving violence against a person; child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the division or the respective responsible entity in another state or country;
 - 58.1.9 Documentation of a fingerprinting appointment scheduled before the start of employment and verification of fingerprinting form within 30 days of the person's start date;
 - 58.1.10 Adult abuse registry check;
 - 58.1.11 Documentation acknowledging the person is aware that the use of alcohol or a drug that could negatively affect essential job functions, or unlawful possession, manufacture, or distribution of alcohol or drugs, or possession of a controlled substance is prohibited in the large family home;
 - 58.1.12 Documentation informing the person of the child abuse and neglect mandated reporting law and reporting procedures;
 - 58.1.13 If transporting children, a copy of the current driver's license;
 - 58.1.14 Copy of job description;
 - 58.1.15 Orientation form that includes documentation that the information in these regulations was reviewed as required, that the person received training on prevention and control of infectious diseases, including

immunization; safe sleep practices, including prevention of sudden infant death syndrome; administration of medication, if applicable; prevention of and response to food allergies; building and physical grounds safety; prevention of shaken baby syndrome and abusive head trauma; emergency preparedness and response planning; storage of hazardous materials and biocontaminants; safety measures in transporting children, if applicable; and that the person was able to ask questions and receive clarification; and

58.1.16 Record of annual training hours, if applicable.

59.0 Qualifications

- 59.1 A licensee and each staff member shall submit copies of training certificates, transcripts, and/or diplomas to OCCL as proof of meeting the qualifications of a particular position.
- 59.2 The owner (now licensee), caregiver (now large family provider), or associate caregiver (now large family assistant) of a large family home that was licensed before January 1, 2009, may continue to qualify for the former positions as stated in DELACARE: Requirements for Large Family Child Care Homes (1994) only if remaining at the same large family home. Staff members hired after January 1, 2009, are required to meet the qualifications of these regulations for those positions.
- 59.3 A licensee shall be at least 21 years old, have 24 months of experience working with children in a group, and have a high school diploma or its equivalent.
- 59.3.1 A licensee shall be considered a staff member if present at the large family home during the hours of operation for seven or more hours per week. A licensee is required to follow all regulations regarding a staff member.
- 59.4 A licensee shall serve as or hire a person to serve as the large family provider at the large family home. A licensee shall ensure the large family provider is at least 21 years old, has 24 months of experience working with children in a group, has a high school diploma or its equivalent, and has successfully completed one of the following:
- 59.4.1 Training for Early Care and Education 1 and 2;
- 59.4.2 A Child Development Associate Credential (CDA) that is kept valid/current;
- 59.4.3 Delaware Department of Labor's Early Childhood Apprenticeship Program;
- 59.4.4 A high school diploma from a vocational/technical high school's three-year program in early childhood education approved by Delaware's Department of Education;
- 59.4.5 Nine college/university credits, including three in early childhood education, three in child development, and three in positive behavior management;
- 59.4.6 One-year early childhood diploma program from a two-year college;
- 59.4.7 An Associate degree from an accredited college or university and six college/university credits of child development or early childhood education; or
- 59.4.8 Qualified as at least an early childhood teacher as per DELACARE: Regulations for Early Care and Education and School-Age Centers (2015).
- 59.5 A licensee or large family provider licensed after January 1, 2009, shall have nine clock hours of training related to administrative duties, such as hiring staff and paying bills related to operating a child care facility, unless these duties are performed by another person or company. A written plan approved by OCCL shall be required listing the person's qualifications or company who performs these duties. If the person or company changes, a new plan is required.
- 59.6 A licensee shall ensure the large family assistant is at least 18 years old, has six months of experience working with children in a group, has a high school diploma or its equivalent, and has successfully completed one of the following:
- 59.6.1 Sixty clock hours of training with a minimum of three clock hours in each of the following areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; and professionalism;
- 59.6.2 Three college/university credits in courses related to any of the following areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism, and management and administration related to operating a child care facility; or
- 59.6.3 Qualified as at least an early childhood assistant teacher as per DELACARE: Regulations for Early Care and Education and School-Age Centers (2015).

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

60.0 Training

- 60.1 A licensee shall ensure that within two months of hire, staff members and the non-emergency substitute have certifications in first aid and CPR. The CPR certification shall require a skill demonstration and be appropriate to the ages of the children in care. A licensee shall ensure certifications are current. The large family provider must have these certifications to open a large family home.
- 60.2 A licensee, present at the large family home for seven hours or more per week, large family provider, large family assistant, and large family aide shall successfully complete 15 clock hours of annual training as accepted by OCCL. Annual training shall be completed during the dates that appear on the license.
- 60.2.1 Annual training shall be within three of the following areas: child development; developmental curriculum planning/environment and curriculum; observation and assessment; positive behavior management/social-emotional development; health, safety, physical activity, and nutrition; family and community; professionalism; and management and administration related to operating a child care facility.
- 60.2.2 Annual training may be within one or two areas, if a licensee or staff member completes a college/university course or if the training is six or more hours in length.

61.0 Staffing

- 61.1 A licensee shall ensure the large family home has at least one staff member qualified as a large family provider.
- 61.2 A licensee shall ensure the large family home has at least one staff member qualified as a large family assistant or large family aide.
- 61.3 A licensee shall ensure the large family provider is present at the large family home at least 75% of the hours of operation.
- 61.4 A licensee shall keep a written record of the daily schedule of staff members including their exact hours worked each day.
- 61.5 A licensee shall ensure every infant has a known staff member who has the primary, but not the only, responsibility for feeding, comforting, and otherwise caring for the infant's needs.

62.0 Capacity and Staff/Child Ratios

- 62.1 A licensee's own household members shall not count in the capacity when care is provided at a commercial location unless the child is present.
- 62.2 OCCL shall license a large family home to provide care for up to 12 children.
- 62.3 A licensee shall ensure a large family provider or large family assistant in accordance with subsection 61.3 may alone care for six children preschool-age or younger and three additional school-age children who do not live in the large family home and attend only for before school, after school, during school holidays, and during school vacation;
- 62.3.1 No more than two of the nine children are under the age of 12 months; and
- 62.3.2 No more than four of the nine children are under the age of 24 months; and
- 62.3.3 No more than nine children may be present at any time. School-age children may fill preschool-age or younger children's spaces.
- 62.4 A licensee shall ensure a large family provider and large family assistant or large family aide are present when there are seven or more preschool-age or younger children present.
- 62.4.1 No more than four of the 12 children are under the age of 12 months; and
- 62.4.2 No more than six of the 12 children are under the age of 24 months; and
- 62.4.3 No more than 12 children may be present at any time. School-age children may fill preschool-age or younger children's spaces.
- 62.5 A licensee shall ensure a large family provider and two additional staff members are present when:
- 62.5.1 Five or six children 12 months or younger are present; no more than six children under the age of 12 months may be present at any time; or
- 62.5.2 Seven or more children under the age of 24 months are present; and

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

APPENDIX

OCCL REQUIRED MEAL COMPONENTS WHEN PROVIDING MEALS TO CHILDREN			
MEAL COMPONENT	Ages 1 through 2	Ages 3 through 5	Ages 6 through 12
BREAKFAST – Serve all 3 of the following components (meat/meat alternate is optional):			
1. Milk, fluid (whole for 12-24 months; 2%, 1%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice¹/ or vegetable	1/4 Cup	1/2 Cup	1/2 Cup
3. Grain or bread			
<u>Bread</u>	1/2 Slice	1/2 Slice	1 Slice
<u>Cereal – Dry</u>	1/4 Cup	1/3 Cup	3/4 Cup
<u>Cereal – Hot</u>	1/4 Cup	1/4 Cup	1/2 Cup
4. Meat or meat alternate (optional)			
<u>Lean meat, poultry or fish</u>	1/2 Ounce	1/2 Ounce	1 Ounce
<u>Cheese (No Cheese Food)²</u>	1/2 Ounce	1/2 Ounce	1 Ounce
<u>Cottage cheese</u>	2 Tablespoons	2 Tablespoons	2 Tablespoons
<u>Large egg</u>	1/2 Egg	1/2 Egg	1/2 Egg
<u>Peanut butter or other nut/seed butters</u>	1 Tablespoon	1 Tablespoon	2 Tablespoons
<u>Nuts or seeds</u>	1/2 Ounce	1/2 Ounce	1 Ounce
<u>Yogurt, plain or flavored; unsweetened or sweetened</u>	1/4 Cup	1/4 Cup	1/2 Cup
LUNCH or DINNER – Serve the following 5 components:			
1. Milk, fluid (whole for 12-24 months; 2%, 1%, or fat-free for age two and older)	1/2 Cup	3/4 Cup	1 Cup
2. Fruit/Juice¹/ Vegetable	1/4 Cup	1/2 Cup	3/4 Cup
3. Fruit or vegetable	1/4 Cup	1/2 Cup	3/4 Cup
4. Grain or bread			
<u>Bread</u>	1/2 Slice	1/2 Slice	1 Slice
<u>Grain or pasta</u>	1/4 Cup	1/4 Cup	1/2 Cup
<u>Cereal – dry</u>	1/4 Cup	1/3 Cup	3/4 Cup
<u>Cereal – hot</u>	1/4 Cup	1/4 Cup	1/2 Cup
5. Meat or meat alternate			
<u>Lean meat, poultry or fish</u>	1 Ounce	1 – 1/2 Ounce	2 Ounces
<u>Cheese (No Cheese Food)²</u>	1 Ounce	1 – 1/2 Ounce	2 Ounces
<u>Cottage cheese</u>	1/4 Cup	3/8 Cup	1/2 Cup
<u>Large egg</u>	1/2 Egg	3/4 Egg	1 Egg
<u>Cooked dry beans/peas</u>	1/4 Cup	3/8 Cup	1/2 Cup
<u>Peanut butter or other nut/seed butters</u>	2 Tablespoons	3 Tablespoons	4 Tablespoons
<u>Nuts or seeds</u>	1/2 Ounce	3/4 Ounce	1 Ounce
<u>Yogurt, plain or flavored; unsweetened or sweetened</u>	1/2 Cup	3/4 Cup	1 Cup
¹ Juice: Only 100% unsweetened juice may be served.			
² Cheese must be real, natural cheese. Cheese food or cheese products may not be served.			
OCCL REQUIRED SNACK COMPONENTS WHEN PROVIDING SNACKS TO CHILDREN			
MEAL COMPONENT	Ages 1 through 2	Ages 3 through 5	Ages 6 through 12
SNACK – Serve 2 of the following 4 components:			

1. Milk, fluid (whole for 12-24 months; 2%,1%, or fat-free for age 2 and older)	<u>1/2 Cup</u>	<u>1/2 Cup</u>	<u>1 Cup</u>
2. Fruit /Juice¹/ Vegetable	<u>1/2 Cup</u>	<u>1/2 Cup</u>	<u>3/4 Cup</u>
3. Grain or bread			
Bread	<u>1/2 Slice</u>	<u>1/2 Slice</u>	<u>1 Slice</u>
Grain or pasta	<u>1/4 Cup</u>	<u>1/4 Cup</u>	<u>1/2 Cup</u>
Cereal – dry	<u>1/4 Cup</u>	<u>1/3 Cup</u>	<u>3/4 Cup</u>
Cereal – hot	<u>1/4 Cup</u>	<u>1/4 Cup</u>	<u>1/2 Cup</u>
4. Meat or meat alternate			
Lean meat, poultry, or fish	<u>1/2 Ounce</u>	<u>1/2 Ounce</u>	<u>1 Ounce</u>
Cheese (No Cheese Food)²	<u>1/2 Ounce</u>	<u>1/2 Ounce</u>	<u>1 Ounce</u>
Cottage cheese	<u>2 Tablespoons</u>	<u>2 Tablespoons</u>	<u>2 Tablespoons</u>
Large egg	<u>1/2 Egg</u>	<u>1/2 Egg</u>	<u>1/2 Egg</u>
Cooked dry beans/peas	<u>1/8 Cup or 2 Tablespoons</u>	<u>1/2 Cup or 2 Tablespoons</u>	<u>1/4 Cup or 4 Tablespoons</u>
Peanut butter or other nut/seed butters	<u>1 Tablespoon</u>	<u>1 Tablespoon</u>	<u>2 Tablespoons</u>
nuts or seeds	<u>1/2 Ounce</u>	<u>1/2 Ounce</u>	<u>1 Ounce</u>
Yogurt, plain or flavored; unsweetened or sweetened	<u>1/4 Cup</u>	<u>1/4 Cup</u>	<u>1/2 Cup</u>

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

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

OCCL REQUIRED MEAL COMPONENTS WHEN PROVIDING MEALS AND SNACKS TO INFANTS

MEAL COMPONENT	Birth through 3 Months	4 through 7 months	8 through 11 months
BREAKFAST – Serve the following 3 components:			
1. Breast Milk or Formula	<u>4 – 6 fluid ounces</u>	<u>4 – 8 fluid ounces</u>	<u>6 – 8 fluid ounces</u>
2. Infant Cereal	<u>None</u>	<u>0 – 3 Tablespoons</u>	<u>2 – 4 Tablespoons</u>
3. Fruit or Vegetable or both	<u>None</u>	<u>None</u>	<u>1 – 4 Tablespoons</u>
LUNCH OR DINNER – Serve the following 4 components:			
1. Breast Milk or Formula	<u>4 – 6 fluid ounces</u>	<u>4 – 8 fluid ounces</u>	<u>6 – 8 fluid ounces</u>
2. Infant Cereal	<u>None</u>	<u>0 – 3 Tablespoons</u>	<u>2 – 4 Tablespoons</u>
3. Fruit or Vegetable	<u>None</u>	<u>0 – 3 Tablespoons</u>	<u>1 – 4 Tablespoons</u>
4. Meat or Meat Alternate	<u>None</u>	<u>None</u>	<u>1 – 4 Tablespoons</u>
Lean meat, poultry, fish, egg yolk, cooked beans or peas	<u>None</u>	<u>None</u>	<u>1 – 4 Tablespoons</u>
Cheese (No Cheese Food)¹	<u>None</u>	<u>None</u>	<u>1/2 – 2 ounces</u>
Cottage Cheese	<u>None</u>	<u>None</u>	<u>1 – 4 ounces</u>
SNACK – Serve the following 2 components:			
1. Breast Milk or Formula	<u>4 – 6 fluid ounces</u>	<u>4 – 6 fluid ounces</u>	<u>2 – 4 fluid ounces</u>
2. Grain or Bread			
Bread	<u>None</u>	<u>None</u>	<u>0 – 1/2 Slice</u>
Crackers	<u>None</u>	<u>None</u>	<u>0 – 2 Crackers</u>

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

12 DE Reg. 810 (12/01/08)

20 DE Reg. 270 (10/01/16) (Prop.)