The following regulation changes are now in effect:

1. Revising the definitions of applicant by adding organization and schools, aligning the youth camp definition with the current DELACARE Regulations for Youth camps, and adding the definition of blood lead screening (3);
2. Changing provisional license issuance to be time-limited (3);
3. Requiring youth camps that receive Purchase of Care (POC) to be licensed (4 C);
4. Requiring the Office of Child Care Licensing (OCCL) to have immediate access to the center during the hours of operation (5 A);
5. Requiring a State business license or verification of tax-exempt status for licensure and renewals (7 & 8 A);
6. Allowing for OCCL to investigate complaints typically investigated by other entities if the complaint involves a violation of OCCL's regulations (12 E);
7. No longer requiring notification to OCCL when the early childhood curriculum coordinator (ECCC) or school-age (SA) site coordinator leaves the program;
8. Allowing OCCL to seek to suspend or revoke a license when the governing body engages in any activity, policy, practice, or conduct that adversely affects or is deemed by OCCL to be detrimental to the education, health, safety, or well-being of children or conduct that otherwise demonstrates unfitness by the governing body (13 D);
9. Requiring a licensee to notify OCCL in writing within 30 days of a change in governing body and if the change in governing body creates a change in the licensee's designated representative, the new designated representative must complete a comprehensive background check (14 B);
10. Requiring notification to OCCL within one business day of accidental ingestion of a medication or drug, when the center is informed the child required medical or dental treatment other than any first aid provided at the center (14 D);
11. Requiring a licensee who is alleged to have abused or neglected a child to not be present in the center when children are present until the completion of the Institutional Abuse Unit's investigation (19 B);
12. Requiring a licensee to design effective positive behavioral supports or to make reasonable accommodations to comply with provisions in an Individualized Family Service Plan (IFSP) or Individualized Education Plan (IEP) (20 C);
13. Removing the requirement for an ECCC to be hired when the center's capacity is greater than 60;
14. Requiring the center staff to monitor the entrance of the center or phone, email, or other communication methods used by the center to ensure the child is released from care when requested by the parent, guardian, or authorized release person (23);
15. Requiring a program director without a degree who was qualified before January 1, 2007, to have a qualified early childhood (EC) teacher with at least an Associate’s degree creating, developing, and evaluating curriculum and monitoring its implementation (24 E);
16. Allowing a qualified ECCC to keep that qualification and to function as an EC teacher. No longer approving ECCC in DEEDS (24 F);
17. Allowing a person to be qualified as an EC administrator (admin) with an Associate's or Bachelor's degree in Early Childhood Education from a regionally accredited college or
Changes to DELACARE Regulations for Centers in 2022

18. Allowing individuals who work in Montessori programs to be qualified with an Associate’s or Bachelor’s degree and a Montessori Full or Associate Credential from an MACTE approved training course to be qualified as EC admins (24 E);
19. Requiring student teaching to be completed as part of a college or university program for it to count toward experience for a qualification (24 E);
20. Increasing the time from 30 days to 45 business days for a center to hire an EC admin when one leaves (26 B);
21. Removing the requirement to have an ECCC when 25% of the children are preschool-age and 75% are SA children and allowing for the center to operate with a SA admin and qualified EC staff for the EC classroom (26 C);
22. Requiring the EC admin to be on-site at least 50% of the hours of operation (26 C);
23. Allowing supervised experience to also be observed by an EC teacher with a degree (24 D);
24. Removing the requirement to have an OCCL approved plan for centers that have another person handling the human resources or fiscal aspect of a center rather than the admin;
25. Removing the 20-hour minimum requirement for an EC admin to be on site;
26. Removing the allowance for the EC admin and ECCC to share being present 60% of hours of operation;
27. Requiring infants and toddlers who are mixed with older children during certain times of the day to be in areas that are suitable for the younger age group (27 G);
28. Only requiring an administration of medication certificate for staff who will administer medication (32 A);
29. Adding the approved training topic of disability non-discrimination, accommodations, or modifications (33 E);
30. Requiring staff members to be respectful by using non-threatening tones and actions when speaking and interacting with others at the center (37 B);
31. During enrollment, requiring staff to inquire if the child has an IFSP or IEP and to discuss with a parent or guardian and service providers as applicable, any reasonable accommodations or modifications needed by a child with a disability to access the program or services (39 C);
32. Adding a religious exemption from blood lead screening with documentation (41 D);
33. Requiring attendance records to show when classes of children are combined (43 G);
34. Requiring the center to be free from illegal drugs (45 G);
35. Not allowing visitors who are not touring the center, attending a special event, visiting children, or not providing a service to be present in areas where children are located (49 A);
36. Prohibiting the burning of candles or incense and use of air fresheners (49 N);
37. Clarifying that all areas, furnishings, and equipment in the center must be clean, hazard-free, and in a safe condition (49 C);
38. Clarifying that a food establishment permit is only when the center will provide food to members of the general public, not required for children enrolled in the center or at satellite locations (50 A);
39. Raising the acceptable refrigerator food temperature setting to 41° F or colder (50 G);
Changes to DELACARE Regulations for Centers in 2022

40. Clarifying when two exits are needed from a fenced in area based on guidance from the State fire marshal. A licensee shall ensure fenced areas have at least two exits, with at least one being remote from the building. If the fenced-off area is divided by fencing to separate age groups, each fenced-off section does not require two exits. If a larger play area contains a fenced smaller play area (to separate age groups), only one exit is required in the smaller play area if another exit remote from the building is available (53 H);

41. Requiring that when a licensee cannot meet the outdoor space requirement, the licensee shall provide a minimum of 700 square feet with 75 square feet of open, accessible indoor play space for large muscle activity for each child who will use this area at one time. Previously approved spaces that do not meet this space requirement will remain approved, unless the center's capacity increases (53 L);

42. Clarifying the prohibition of portable sinks in all areas, including the outdoor area;

43. Clarifying when activity areas are required. A licensee shall ensure for children 24 months to school-age, indoor physical space is organized into activity areas where an identifiable space with related equipment and materials are kept in an orderly fashion. SA classrooms do not need to have these areas (75);

44. Including the additional requirements and explanations of safety hazards to children: A licensee shall take the following measures to prevent hazards to children in care:
   - To prevent cuts, abrasions, and punctures, equipment, materials, and other objects on the premises that have sharp edges, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children. Sharp edges on natural wooden equipment must be sanded;
   - To prevent burns, equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children;
   - To prevent sheering, crushing, or pinching, broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children;
   - To prevent entrapment, freezers, refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children unless being actively supervised;
   - To prevent tripping, uneven indoor walkways, damaged flooring or carpeting, or other tripping hazards must be removed or repaired; To prevent injuries and death, large objects that pose a risk of falling or tipping must be securely anchored. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and
   - To prevent injuries, equipment in poor condition (rusty parts, flaking paint, or other dangers) must be repaired, removed, or made inaccessible to children (57 I).

45. Aligning the regulations and study guide on what is considered a medication error. Medication errors include giving the wrong medication, giving the wrong dose, failing to give the medication at the correct time or at all, giving medication to the wrong child, giving the medication by the wrong route, or giving medication without documenting the administration (63 E);

46. Requiring written parent or guardian permission before taking a field trip or routine program outing. The permission for a field trip must state the location, date of the trip, and who will provide transportation, if applicable. The permission for a routine program outing must state the location, frequency, and method of transportation which may include walking (68 B);

47. Clarifying that during field trips or routine program outings, two staff are not required when following staff-to-child ratios and all the children are SA or all children are riding in a buggy/stroller (68 D);
76 Changes to DELACARE Regulations for Centers in 2022

48. Changing the breast milk regulations to comply with the Center for Disease Control's guidelines to state, "Thawed, previously frozen breast milk may be kept at room temperature for one to two hours. Breast milk must be used within two hours after a feeding has finished. Expressed breast milk must be returned to the parent if it is in an unsanitary bottle, partially used, or if it has been unrefrigerated for more than four hours or within two hours after a feeding has finished. Refrigerated, unused, freshly expressed breast milk that was never frozen must be returned to the parent after four days (72 T);"

49. Allowing for EC teachers with a degree to perform job performance reviews (73 B);

50. Requiring a licensee to allow services to be provided at the center for children with disabilities, including services through an IEP or IFSP and at the request of a parent or guardian, a licensee shall permit qualified professionals to complete an observation or assessment of the child while at the center (74 A);

51. Prohibiting the use of pressure or accordion gates in any area of the center (77 A);

52. Requiring that interactions are adapted to support all children's learning (78 & 79);

53. Requiring the licensee to ensure each parent or guardian, whose child is enrolled in overnight care, is asked if there are any special preferences, habits, or disability or health-related needs or accommodations regarding bedtime and waking and this information is shared with the staff member in charge of the child (83 B);

54. Reducing the qualifications of a SA admin to that of a SA site-coordinator (87 A);

55. Allowing previously qualified SA site coordinators to be SA admins (87 B);

56. Removing the requirement for 30-minute weekly visits for the SA admin and requiring the SA admin to be present 50% of the hours of operation and to be responsible for no more than two sites (88 B);

57. Requiring SA programs to ensure that activities are adapted if necessary to accommodate a child with disabilities or other special needs (91);

58. Changing terms DE First to DEEDS Early Learning and Positive Behavior Management to Positive Behavior Supports;

59. Adding exemptions for public and private schools serving children under kindergarten (92);

60. Changing text to comply with the Drafting Manual;

The following regulations take effect December 1, 2022, or later, as stated below:

61. Requiring the EC admin to have 15 hours of specialized training in Infant and Toddler development and curriculum, if the center serves infants and toddlers. No longer allowing the ECCC to have this training (24 G);

62. Requiring the EC admin to have 15 hours of specialized training in SA care if the center serves SA children. No longer allowing the ECCC to have this training (24 G);

63. Requiring those seeking to become qualified as EC and SA interns to complete OCCL's approved Health and Safety Training for Child Care Professionals as a part of their 15-clock-hours of quality-assured training (24 K);

64. Allowing qualified EC interns, who are at least 18 years old, who have been determined eligible by the Criminal History Unit (CHU) to be alone with toddlers through SA children after working at the center for at least one month for at least 25 hours per week (24 K);
76 Changes to DELACARE Regulations for Centers in 2022

65. Substitutes may be under direct observation of EC interns or SA interns who are at least 18 years old, who have been determined eligible by the CHU, and have worked at the center for at least one month for at least 25 hours per week (25 A);

66. Requiring a comprehensive background check (of each required component) every 5 years of employment or volunteering at a center (25 B);

67. Requiring volunteers who are used to meet the staff-to-child ratios to have an orientation that meets the requirements of a staff member (25 B);

68. Requiring an owner who works on site at least 7 hours per week and provides direct care to have an administration of medication certificate on file (31 A);

69. Requiring all staff, substitutes, and volunteers working at least 5 days or 40 hours per year to complete OCCL's approved Health and Safety Training for Child Care Professionals as part of the orientation, rather than permitting the EC admin to devise that training (32 C);

70. Requiring annual training to be completed at least 30 days before license expiration (33H);

71. Requiring a child to have second lead screening at or around 24 months. If blood lead screenings were not conducted at or around ages 12 months and 24 months, a blood lead screening is required (for all ages) (41 A);

72. Requiring indoor play space used for large muscle activity to have a protective surface of an approved resilient material, such as rubber mats, beneath and in the fall zones of climbing equipment, slides, swings, and similar equipment to absorb falls. This material must be at a sufficient depth or thickness as required by the manufacturer's specifications or other approved entity (53 L);

73. Allowing qualified SA interns, who are at least 18 years old, who have been determined eligible by CHU to be alone with SA children after working at the center for at least one month for at least 10 hours per week (87 D).

74. Beginning January 1, 2023, requiring the licensee to receive an eligibility determination or a provisional eligibility notification before a staff member starts employment (28 C);

75. Beginning January 1, 2023, increasing the fine for unlicensed care to $1000 or imprisoned not more than 6 months (4 D); and

76. Requiring public and private schools serving children below kindergarten to be licensed by July 1, 2024, to comply with Delaware Code (4 A).