

LAWS OF DELAWARE
VOLUME 83
CHAPTER 248
151st GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 202

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DEVELOPMENTAL SCREENING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The General Assembly finds and declares all of the following:

(1) The Individuals with Disabilities Education Act (IDEA) requires Part C and Part B state Lead Agencies to implement Child Find activities to actively seek children who may be eligible for Early Intervention (EI) or special education and related services.

(2) The American Academy of Pediatrics (AAP) has determined that early identification of developmental disorders is critical to the well-being of children and their families, and recommends that children receive developmental screening with a research-based screening tool at 9, 18, and 30 months of age.

(3) The U.S. Department of Health and Human Services and the U.S. Department of Education's "Birth to 5: Watch Me Thrive!" initiative is a coordinated federal effort that encourages universal developmental and behavioral screening for children.

(4) Delaware Stars for Early Success, Delaware's Quality Rating Improvement System (QRIS) administered by the Department of Education, recommends yearly developmental screening with an approved screening tool, and requires programs at the highest Star Levels to implement yearly developmental screening.

(5) In 2014, Congress reauthorized the federal Child Care and Development Block Grant (CCDBG) which strengthened the program by including measures to enhance the quality of child care. The U.S. Department of Health and Human Services, Administration for Children & Families recommends that all child care programs implement developmental screening for each child within the first 45 days of each program year, in alignment with National Head Start Performance Standards.

(6) The 2019 Preschool Development Grant Birth to Five Needs Assessment demonstrated the inconsistent access to developmental screenings for Delaware's children and families.

(7) The Delaware Early Childhood Council's 2020-2025 Strategic Plan recommends mandating universal birth through age 8 screenings connected to intervention services and resources for all.

(8) It is in the best interest of Delaware's children and their families that the Delaware Child Care Act include a requirement that child care licensees commit to developmental and social emotional screening of enrolled children ages birth to 5 years as a condition of licensure.

Section 2. Amend Chapter 30A of Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 30A. The Delaware Child Care Act

§ 3002A. Definitions.

For the purpose of this chapter:

(1) “Child care” means ~~and includes:~~

a. Any person, association, agency or organization which:

1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or guardian, for the purpose of providing ~~such—the~~ child or children with care, education, protection, supervision or ~~guidance; guidance.~~

2. Is compensated for their ~~services; services.~~

3. Advertises or holds himself, herself or itself out as conducting ~~such child care.~~ child care.

b. The provision of, or arranging for, the placement of children in foster care homes, adoptive homes or supervised independent living arrangements pursuant to the provisions of ~~Title 31; and Title 31.~~

c. Family child care homes, large family child care homes, ~~day~~ child care centers, child placing agencies, residential child care facilities and day treatment programs as currently defined by regulation. Day Child care centers operating part-or full-day are subject to licensure. Homes in which children have been placed by any child placing agency properly licensed to place children in this State shall not be regarded as “child care.”

(2) “Department” means the Department of Education.

~~(2)~~ (3) “Office of Child Care Licensing” (or “OCCL”) or “OCCL” means the Office of Child Care Licensing within the Department of Education.

Section 3. Amend Chapter 30A of Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3004A. Child care licenses; investigation; requirements; notice; hearings and appeals.

(a) No person may conduct child care, nor may any institution, agency, association, or organization conduct child care, unless first having obtained a license from the Office of Child Care Licensing. ~~Such~~ The license shall expire 1 year from the date it is issued unless renewed.

(1) Beginning on July 1, 2023 when applying for a license or upon renewal of a license, an applicant must ensure that all children age birth to 5 years old not yet in kindergarten, who have been enrolled by a licensee seeking renewal or to be enrolled, will undergo developmental and social emotional screening using the Department’s approved developmental and social emotional screening system by requiring the parent or guardian of an enrolled child to complete the Department’s approved developmental and social emotional screening at the time the child is enrolled and at least one time per year during enrollment. If an enrolled child’s parent or guardian fails to conduct the yearly developmental and social emotional screening, the child care provider must conduct the screening.

(2) For children age birth to 35 months old, developmental and social emotional screening results will be processed and referrals for additional evaluation, if warranted, will be implemented by the IDEA Part C Lead Agency.

(3) For children age 3 to 5 years old, developmental and social emotional screening results will be processed and referrals for additional evaluation, if warranted, will be implemented in partnership with the Local Education Agency (LEA) having jurisdiction over the geographical location where the child is enrolled.

(4) Developmental screenings must be reviewed and processed within 2 weeks of receipt.

(5) When a licensee seeks to renew its license, the Department will review the paper or electronic file of each child enrolled in the licensee's child care facility to ensure that each enrolled child has received developmental and social emotional screening within the preceding 12 months and any warranted referrals have been made as required by this section.

Section 4. Amend §3006A of Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§3006A. Provider Advisory Board; appointments; composition; terms; vacancies.

(a) There is hereby established within the Office of Child Care Licensing, a Provider Advisory Board.

(b) The Board shall consist of 7 members, who are residents of this State and are appointed by the Governor. The following shall be members of the Board:

(1) One provider from a family child care home from each of New Castle County, Kent County and ~~Sussex County~~; County.

(2) One director/owner of a private ~~day~~ child care center from each of New Castle County, Kent County and ~~Sussex County~~; County.

(3) One provider from a family child care home or 1 director/owner of a private ~~day~~ child care center from the City of Wilmington.

~~(4) Furthermore, at~~ At least 1 of the members of the Board appointed pursuant to this subsection (b) shall be from a Boys and Girls Club or YMCA within this State. For purposes of this subsection, a ~~day~~ child care center at a Boys and Girls Club or YMCA shall be considered a private ~~day~~ child care center.

(c) The term of a Board member appointed by the Governor shall be 3 years and shall terminate upon the Governor's appointment of a new member to the Board. A Board member shall continue to serve until ~~his or her~~ a successor is ~~duly~~ appointed but a holdover under this provision does not affect the expiration date of a succeeding term.

(d) In case of a vacancy on the Board before the expiration of a Board member's term, a successor shall be appointed by the Governor within 30 days of the vacancy for the remainder of the unexpired term.

(e) The Board shall elect 1 of its members as Chair to serve for a 1-year term and who shall be eligible for reelection.

(f) The Board shall meet at the call of the Chair but no fewer than 4 times a year.

Approved October 20, 2021