



SPONSOR: Rep. K. Williams & Rep. Dorsey Walker & Sen. Poore
Reps. Baumbach, Brady, K. Johnson, Mitchell, Osienski;
Sens. Gay, Lockman, Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

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:

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

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

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

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

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

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

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

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

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

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

28 Chapter 30A. The Delaware Child Care Act

29 § 3002A. Definitions.

30 For the purpose of this chapter:

31 (1) "Child care" means ~~and includes~~:

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

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

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

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

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

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

44 (2) "Department" means the Department of Education.

45 (2) (3) "Office of Child Care Licensing" (or "OCCL") or "OCCL" means the Office of Child Care Licensing
46 within the Department of Education.

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

49 § 3004A. Child care licenses; investigation; requirements; notice; hearings and appeals.

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

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

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

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

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

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

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

72 §3006A. Provider Advisory Board; appointments; composition; terms; vacancies.

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

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

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

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

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

82 (4) ~~Furthermore, at~~ At least 1 of the members of the Board appointed pursuant to this subsection (b) shall be

83 from a Boys and Girls Club or YMCA within this State. For purposes of this subsection, a ~~day~~ child care center at a
84 Boys and Girls Club or YMCA shall be considered a private ~~day~~ child care center.

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

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

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

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

SYNOPSIS

This Act is designed to increase the opportunity for Delaware children to undergo developmental screening with a research-based screening tool at an early age in order to identify children who may be eligible for Early Intervention or special education services. It requires any applicant for a license or renewal of a license to operate a child care facility on or after July 1, 2023 to commit that each child between the age of birth and 5 years old (who has not yet entered kindergarten) enrolled by the child care provider will undergo developmental and social emotional screening. The screening mechanism to be used is the screening system approved by the Department of Education and will be administered by the parent or guardian of the child seeking to be enrolled in the child care facility.

This Act permits an operator of a child care facility at a YMCA to be appointed to the Provider Advisory Board, changes references from "day care" to "child care" in the existing law and makes other changes consistent with the Legislative Drafting Manual.