



SPONSOR: Sen. Wilson & Rep. Vanderwende
Sens. Hocker, Lawson, Pettyjohn, Richardson; Reps.
Collins, Gray, Hilovsky, Jones Giltner, Postles, D. Short,
Shupe, Michael Smith, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 69

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM THE
DELAWARE CHILD CARE ACT FOR SECTARIAN OR RELIGIOUS INSTITUTIONS.

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

1 Section 1. Amend § 3002A, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3002A. Definitions [Effective July 1, 2024].

4 For the purpose of this chapter:

5 (1) a. "Child care" means an individual or entity that meets all of the following:

6 1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or
7 guardian, for the purpose of providing care, education, protection, supervision, or guidance.

8 2. Is compensated for the individual's or entity's services.

9 3. Holds the individual's or entity's self out as conducting child care.

10 b. "Child care" includes all of the following:

11 1. Family child care homes.

12 2. Large family child care homes.

13 3. Child care centers, including early education programs for children below the grade of
14 kindergarten that are operated by public or private schools.

15 4. Child placing agencies.

16 5. Residential child care facilities.

17 6. Day treatment programs.

18 7. Child care programs operating part-day or full-day.

19 c. "Child care" does not ~~include~~ include:

20 1. ~~individual~~ Individual foster or adoptive homes in which children have been placed by a State-
21 licensed child placing agency.

22 2. A facility operated by a sectarian or religious organization.

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

24 (3) “Entity” means an estate, business or nonprofit entity, public corporation, government or governmental
25 subdivision, agency, or instrumentality, or other legal entity.

26 (4) “OCCL” means the Office of Child Care Licensing within the Department of Education.

SYNOPSIS

In 2021, the General Assembly enacted a law, Chapter 249 of Volume 83 of the Laws of Delaware (Senate Bill 169 of the 151st General Assembly) to update and expand the definition of child care to include early education programs for children below the grade of kindergarten that are operated by public or private schools, including sectarian or religious institutions. This law takes effect on July 1, 2024.

This Act exempts sectarian or religious institutions from the Delaware Child Care Act.

Author: Senator Wilson