



SPONSOR: Sen. Poore

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
SENATE BILL NO. 103

AMEND Senate Bill No. 103 by inserting the following after line 314:

“§ 3008a. Transfers and continuity.

(a) All investigations, petitions, hearings and legal proceedings pending before or instituted by the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families and not concluded prior to July 1, 2020, shall continue unabated and remain in full force and effect, notwithstanding the passage of this act and, where necessary, may be completed before, by, or in the name of the Department of Services for Children, Youth and Their Families. All orders, enforcement actions, agreements of understanding, rules and regulations made by the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families and which are in effect on July 1, 2020, shall remain in full force and effect until revoked or modified in accordance with the law by the Department of Education. All contracts and obligations of the Department of Services for Children, Youth and Their Families made or undertaken in the performance of a function transferred to the Department of Education by this act and being in force on July 1, 2020, shall, notwithstanding this act, remain in full force and effect and be performed by the Department of Education until and unless the Department of Education takes formal action to modify any such contracts or obligations.

(b) Employees of the Office of Childcare Licensing within the Department of Services for Children, Youth and Their Families whose functions are consistent with and have been transferred to the Department of Education by this act shall continue and be deemed to be the employees of the Department of Education on July 1, 2020, and, where applicable, with all the benefits accrued as merit employees as of July 1, 2020.

Section 4. The Secretary of the Department of Education and Secretary of the Department of Services for Children, Youth and Their Families shall develop a plan to transfer positions and duties within the Office of Child Care Licensing from the Department of Services for Children, Youth and Their Families to the Department of Education. Said plan shall be implemented no later than July 1, 2020 and shall include all regulatory, budgetary, operational and personnel changes, including subsequent position classifications, necessary to implement the transition and ensure continued

24 operations. Progress reports on the development of the transition plan shall be given at meetings of the Early Childhood
25 Council. The Director of the Office of Management and Budget, in consultation with the Secretary of the Department of
26 Human Resources and with the concurrence of the Controller General, shall have the authority to reallocate personnel costs
27 and positions throughout the fiscal year.

28 Section 5. The provisions of Sections 1 through 3 of this Act shall take effect on July 1, 2020. The provisions of
29 Section 4 of this Act shall take effect upon enactment.”

SYNOPSIS

This Amendment clarifies the legal effect of the transfer of the Office of Child Care Licensing from the Department of Services for Children, Youth and Their Families to the Department Education. This Amendment also creates a requirement that the Secretary of the Department Education and the Secretary of the Department of Services for Children, Youth and Their Families develop a transition plan for the transfer.

Author: Senator Poore