



SPONSOR: Rep. Kowalko & Sen. Bunting

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE BILL NO. 226

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD CARE FACILITIES.

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

1 Section 1. Amend § 344, Title 31 of the Delaware Code by striking subsection (d) therein in its entirety and
2 substituting in lieu thereof a new subsection (d) to read as follows:

3 “(d) This section shall apply to all child care programs, regardless of their location in public or private
4 programs, including programs for preschool, pre-k and before and after school aged children; provided, however, that this
5 section shall not apply to the following:

6 (1) Any institution, agency, association or organization that administers federal Head Start
7 programs within the State; and

8 (2) Any maternity ward of a general hospital.”.

9 Section 2. Amend § 344(c)(7), Title 31 of the Delaware Code by inserting after the word “met” and before the
10 semicolon [;] the following language:

11 “, provided, however, that any institution, agency, association or organization that is subject to state education
12 curriculum components shall not be required to adhere to any education curriculum requirements as promulgated by the
13 Office of Child Care Licensing”.

SYNOPSIS

Section 344(d) of Title 31 of the Delaware Code currently exempts entities under state ownership or control, like a public school, from the regulatory authority of the Office of Child Care Licensing (“OCCL”). This Act removes that exemption, requiring child care facilities under state ownership and control, including programs for preschool, pre-k and before and after school aged children, to comply with the licensing requirements of the OCCL. A facility that administers federal Head Start programs, however, is not subject to the licensing requirements of the OCCL because such programs are regulated by federal requirements. Maternity wards of general hospitals continue to be exempted from the OCCL’s licensing requirements. Programs that are subject to state education curriculum components are not required to adhere to education curriculum requirements as promulgated by the OCCL.