



SPONSOR: Rep. Kowalko

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

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:

WHEREAS, the safety, health, and welfare of all children in early child care is of paramount importance; and

WHEREAS, the regulatory agencies involved in ensuring the safety, health, and welfare of these children promulgate licensing regulations for privately run daycares; and

WHEREAS, the licensing of early child care centers is important to promote accountability in ensuring the children's safety, health and welfare; and

WHEREAS, public schools that provide daycare services should be engaged in ensuring the safety, health, and welfare of children in their care;

NOW, THEREFORE:

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

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

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

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

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

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

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

SYNOPSIS

This Substitute bill makes some technical corrections to the original bill and adds background information. Section 344(d) of Title 31 of the Delaware Code currently exempts entities under state ownership or control, such as 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.