



SPONSOR: Rep. Kowalko & Sen. Bunting

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE BILL NO. 399

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:

Section 1. Amend § 344, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

§ 344. Child care licenses; investigations; requirements.

(a) No person may conduct child care, nor may any institution, agency, association or organization conduct child care, regardless of its location in public or private programs, including services or programs for preschool, pre-k and before- and after-school aged children, unless administering a federal Head Start program within the State, or unless first having obtained a license from the Office of Child Care Licensing. Such license shall expire 1 year from the date it is issued unless renewed.

(b) In the case of a person conducting child care, no license shall be issued to such person until the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:

(1) The good character and intention of the applicant or applicants;

(2) That the individual home or facility meets the physical, social, moral, mental and educational needs of the average child;

(3) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and

(4) That the required criminal background checks are completed and approved.

(c) In the case of an institution, agency, association or organization, no license shall be issued until the Office of Child Care Licensing has made a thorough investigation and has made a favorable determination of:

(1) The good character and intention of the applicant or applicants;

(2) The present and prospective need of the service rendered;

(3) The employment of capable, trained and experienced workers;

(4) Sufficient financial backing to ensure effective work;

(5) The probability of the service being continued for a reasonable period of time;

23 (6) Whether the methods used and disposition made of the children served will be to their best interests and that
24 of society;

25 (7) Whether the rules and requirements of the Office of Child Care Licensing are properly met, provided,
26 however, that any institution, agency, association or organization that is subject to state education curriculum components
27 shall not be required to adhere to any education curriculum requirements as promulgated by the Office of Child Care
28 Licensing; and

29 (8) That the required criminal background checks are completed and approved.

30 (d) This section shall not apply to a continuation of the child care programs or services provided on or before July 31,
31 2012 by any institution, agency, association or organization under state ownership and control, nor shall it apply to any
32 maternity ward of a general hospital. However, this section shall apply to any institution, agency, association or
33 organization under state ownership and control seeking to establish child care programs or services or expand its child care
34 programs or services which were provided on or before July 31, 2012.

SYNOPSIS

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 for expanded or new services or programs. Thus, child care facilities under state ownership and control, including programs for preschool, pre-k and before-and after-school-aged children, must comply with the licensing requirements of the OCCL for new or expanded services, but not for existing services.. 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.