



*Engage families and communities to promote the safety and well-being of children through prevention, intervention, treatment and rehabilitative services.*

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March 19, 2020

Pursuant to Executive Order Number Thirty-Eight, the Department of Services for Children, Youth & Their Families (DSCYF) hereby issues the following guidance for child care providers licensed by the Office of Child Care Licensing (OCCL).

Executive Order Thirty-Eight gives the DSCYF Secretary the authority to suspend or modify any or all of the provisions of the state's child care rules and regulations, as well as any statute, as long as there is no threat to public safety or child welfare. DSCYF may work with entities to identify situations where license-exempt care could be provided in a manner that does not jeopardize the health and safety of children. For example, where care is provided on-site and a parent is readily accessible or a youth camp providing care only to school-age children.

Any entity seeking a license exemption must complete the License Exemption Application and submit it according to the instructions on the form. Additional information may be requested of the applicant. License Exemption Applications will not be approved or denied without consultation with the DSCYF Secretary.

DSCYF may also work with existing licensed providers to designate emergency child care sites for the children of health care workers, emergency medical services, law enforcement, or other essential state services, either in lieu of or in addition to the services currently being provided. The DSCYF Secretary may designate additional sites as needed to meet the demand of essential personnel. In addition to the suspended and modified regulations below, the DSCYF Secretary may suspend or modify additional regulations on a case-by-case basis when designating emergency child care sites.

DSCYF, through OCCL, may grant temporary variance requests that fall outside of the scope of the regulations cited below and that are based on factors that have arisen as a result of COVID-19 emergency. Providers should submit these requests according to the procedure outlined in the Delaware regulations.

The following sections of *"Delacare: Regulations for Early Care and Education and School-Age Centers"* are suspended and modified as indicated:

**Suspend 24.K.1(c) Staffing; Early Childhood Intern**

Guidance: Early Childhood Interns may provide care to children without supervision.

**Suspend 24.L.4 Staffing; Early Childhood Aide**

Guidance: Early Childhood Aides may provide care to children without supervision.

### **Suspend in part 25.B.5 Volunteers; Requirements for Volunteer Files**

Guidance: Volunteer files must only include:

- Copy of a driver's license or other valid form of state-issued picture identification;
- Volunteer start date and end date (as applicable);
- Comprehensive background check results, if available

Volunteers may count towards classroom ratios and group size, but must be supervised at all times unless they have undergone a comprehensive background check and been determined eligible by DSCYF's Criminal History Unit. Volunteer attendance must be tracked on the staff attendance sheet.

### **Suspend in part 24. Staff Qualifications**

Guidance: people who have been determined eligible to be employed by a child-serving entity as defined by 31 Del. C. sec. 309 may serve as staff members in a center on a temporary basis and provide care to children without supervision. Proof of eligibility must be maintained in the staff member's file and made available for OCCL's inspection. These temporary staff members do not have to demonstrate the supervised work experience or educational requirements in order to begin work. Temporary staff attendance must be tracked on the attendance sheet.

### **Suspend 39. Enrollment**

Guidance: if a licensee has been designated as an emergency child care site by the DSCYF Secretary, children may be enrolled over the licensed capacity as long as the required staff to child ratios and group size are maintained. Children may be enrolled on an expedited basis requiring only the information listed below.

### **Suspend in part 40.A. Child Files**

Guidance: upon enrollment, a child's file must include the Child Information Card (Child's name, date of birth, parent names and contact information, emergency contact information, and if applicable, the administration of medication release)

### **Suspend 41. Child Health Appraisal**

Guidance: a child health appraisal is not required upon enrollment, but the licensee should work with the child's family to obtain an up-to-date appraisal within a month of starting care.

### **Suspend 42. Documenting Children's Progress**

Guidance: licensees are not required to document a child's progress while in care on a temporary basis.

### **Suspend 71.F.1 Meals and Snacks**

Licensees shall, to the best of their ability, ensure that meals and snacks provided by the center follow the meal pattern requirements outlined in Appendix VI and Appendix VII in the Delacare Regulations.

### **As needed, suspend Part VII: Additional Provisions for School-age Only Centers**

It may be necessary for school-aged care to be provided during hours that are not typical for school-aged care.

The following sections of "*Delacare: Regulations for Family and Large Family Child Care Homes*" are suspended and modified as indicated:

**Suspend in part 22.A Children’s Files**

Guidance: upon enrollment, a child’s file must include the Child Information Card (Child’s name, date of birth, parent names and contact information, emergency contact information, and if applicable, the administration of medication release)

**Suspend 23. Children’s Health Appraisal**

Guidance: a child health appraisal is not required upon enrollment, but the licensee should work with the child’s family to obtain an up-to-date appraisal within a month of starting care.

**Suspend 50.D.1 Meals and Snacks; meal pattern requirements**

Guidance: licensees shall, to the best of their ability, ensure that meals and snacks provided by the child care home follow the meal pattern requirements outlined in Appendix X and Appendix XI in the Delacare Regulations.