



DEPARTMENT OF EDUCATION

Office of Child Care Licensing

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June 1, 2020

Revised June 11, 2020

EFFECTIVE June 15, 2020

Revised June 18, 2020

Revised August 31, 2020

Current Requirements for Licensed Child Care Providers

Child care may be provided to families seeking care from a child care provider licensed by the Office of Child Care Licensing (OCCL).

Licensed child care (LCC) providers must adhere to applicable DELACARE regulations and the following additional requirements developed by OCCL and the Division of Public Health (DPH). This revised guidance is based on the Governor's 25th Modification to the State of Emergency, issued on August 26, 2020. Language that has been revised from June 18, 2020 is underlined.

- 1. All providers must have a written plan to address these requirements as well as additional practices to prevent the spread of, and respond to, COVID-19. Providers may use the "COVID-19 Child Care Plan" template developed by the Department of Services for Children, Youth and Their Families (DSCYF). The written plan must be made available upon request by OCCL or DPH.**
- 2. Providers must adhere to the following screening practices for adults and children entering the facility:**
 - Adults who drop off and pick up children must do so at the entrance to the facility or the foyer area, not the classroom, unless the classroom has its own separate entrance where the child can be safely dropped off. Staff will receive the children and see that they arrive safely in their classrooms.
 - Providers must ensure that staff and children do not have an elevated temperature before entering the facility. This may be done by actively monitoring a person's temperature before entrance to the facility, or by asking staff and children (or a parent/guardian on behalf of the child) to report their temperature upon arrival.
 - It is best to use touchless thermometers (forehead/temporal artery thermometers) if possible, but if you must use oral or other types of thermometers, make sure to clean the thermometers thoroughly between each person, as to not spread infection.
 - Follow the manufacturer's directions to disinfect the thermometer.
 - If no directions are available, rinse the tip of the thermometer in cold water, clean it with alcohol or alcohol swabs, and then rinse it again.
 - Personnel screening for fever should consider wearing gloves and face masks per CDC recommendations.

- If a staff member or child reports or is noted to have body temperature at or above 99.5 degrees Fahrenheit, a discussion must be had with the staff member or parent to determine if there is an underlying cause. The staff member or child may be admitted to the child care, but increased monitoring throughout the day must follow to ensure the temperature does not increase or additional symptoms do not develop. If a staff member or child reports or is noted to have a body temperature at or above 100.4 degrees Fahrenheit, they must be sent home. If a provider has a policy that requires staff or children be excluded for a temperature lower than 100.4 degrees Fahrenheit, they should continue to follow their policy, as well as DELACARE regulations, on child health exclusions.
- Providers must also ensure that each incoming staff member and child (or the child's parent may answer on their behalf) is screened with a basic questionnaire each time they enter the child care facility. The questionnaire shall include at least the questions below:
 - Do you have any of the following symptoms: fever, cough, shortness of breath/difficulty breathing, chills, repeated shaking with chills, muscle pain, sore throat, vomiting, nausea, diarrhea, headache/congestion/runny nose with no known underlying cause (such as seasonal or chronic allergies), fatigue, or new loss of smell or taste?
 - If NO, proceed to the next question.
 - If YES, but symptoms have a known cause (asthma, COPD, chronic sinusitis, etc.), the provider should weigh the risks for COVID-19 exposure and may consider sending the staff member or child home.
 - If YES (for fever of 100.4 or higher), or the staff member or child is otherwise symptomatic and considered at risk for COVID-19 exposure, the staff member or child may not be admitted to the facility and should be advised to consult a health care professional for further guidance, and/or obtain a COVID-19 test. The staff member or student should not return until a health care provider has provided a return to work/childcare document.
 - If a COVID-19 test was taken and a positive result was returned, the staff member or student should isolate at home. At least 10 days must have passed since symptoms first appeared, including at least one day (24 hours) since recovery where staff or students have been fever-free without the use of fever-reducing medications and improvement in symptoms has occurred, e.g. cough, shortness of breath, before being permitted to return to work or child care.
 - A health care provider or the Division of Public Health can provide a letter stating that the individual has been released from monitoring to the patient.
 - If a COVID-19 test is performed with a negative result, the individual should consult their health care provider to determine if the situation warrants continuation of isolation. The student or staff member must provide the LCC with a return to work/childcare document by the health care provider to allow the student or staff member to return to child care in this situation.

- Note that a negative test is relevant for the point in time at which the test was taken. It does not mean the staff or student will not develop COVID-19 in the future.
 - Staff members should consult medical professionals if desired or needed and should adhere to screening decisions made by the primary care provider or DPH medical personnel as appropriate.
 - If at any time a doctor confirms the cause of the staff member or child's fever or other symptoms is not COVID-19 **and provides written documentation of approval for them to return to work or care**, then the provider shall follow the appropriate DELACARE Regulations and their facility's policies in regard to return to work or child care.
- Have you been in *close contact* (e.g., within 6 feet for more than 15 minutes) with a person with confirmed COVID-19 infection?
 - If NO, the staff member or child may proceed with work or may receive child care at the facility.
 - If YES, the staff member or child (close contacts of a confirmed COVID-19 case) will be instructed to stay at home for 14 days from the time they were exposed to confirmed COVID-19. If a COVID-19 test is performed with a negative result, the individual must still remain at home until the end of the 14-day period to see if symptoms develop.

3. Early Care and Education Center providers must adhere to the following ratios and group sizes, and these additional requirements:

- The maximum allowable group size is 15 preschool-age children or younger, (or smaller, as contained in DELACARE Regulations based on the ages of children or room size restrictions);
- The maximum allowable group size is 25 school-age children (kindergarten or higher), space permitting.
 - Staff to child ratio may be 1:20 for school-age children if supervision is provided by an early childhood teacher (or higher) or a school-age site coordinator (or higher). Otherwise two staff are required to provide supervision when the group size exceeds 15 school-age children.
 - Variations will not be granted to exceed the maximum group size of 25.
- Groups should consist of the same children and staff each day, and mixing of groups should be restricted as much as possible;
- Groups must be kept at least 6 feet apart if using shared spaces;
- Providers may seek a variance from OCCL if they must have a group size larger than 15 preschool-age children or younger and have the space to accommodate the larger group, as specified in DELACARE Regulations. Variations will not be granted to exceed maximum group size or minimum staff to child ratios contained in DELACARE Regulations. Providers must follow the variance process outlined in DELACARE Regulations.

	Age of Child	Minimum Staff/Child Ratio	Maximum Group Size
Infant	Under 12 months	1:4	8
Young toddler (1 year old)	12 through 23 months	1:6	12
Older toddler (2-year-old)	24 through 35 months	1:8	15
Young preschool child (3-year-old)	36 through 47 months	1:10	15
Older preschool child (4-year-old)	48 months or older and not yet attending kindergarten or higher	1:12	15
School-age child	Attending kindergarten or higher	1:15	<u>25</u>

4. Family and Large Family Child Care Homes must follow DELACARE Regulations regarding the number and ages of children served, while practicing social distancing to the extent practical given the age, ability, and social and emotional needs of the children in care.

- In a family child care home, a provider's own school-age children will not count in the licensed capacity.
- In a family or large family child care home (private residence or commercial setting) the school-age children of the provider and staff person will not count in the licensed capacity.
- A variance will not be issued by OCCL to exceed the licensed capacity of a family child care home or large family child care home.

5. Providers must suspend the use of all outside contractors, programs, and entertainment, both indoors and outdoors, except:

- Contractors doing work outside of child care hours (ensure that proper cleaning/sanitizing has been conducted before children re-enter the facility or areas where work was being done)
- Individuals providing services contained in a child's IFSP or IEP
- Early Childhood Mental Health Consultants
- Fire Marshal inspections
- Electrical inspections
- Lead Risk Assessments
- Office of Drinking Water representatives
- Radon testing, if not performed by the property owner or licensee
- Individuals participating in a pre-employment working interview, as long as the individual is screened per the questionnaire in #2 and wears a mask in accordance with #7. The individual must only participate in the working interview in the classroom to which they will be assigned if employed.
- Additional individuals if approved in advance by the Office of Child Care Licensing

6. Cleaning and sanitizing requirements in addition to those in DELACARE Regulations:

- Suspend use of sand and water tables (Water tables may be used if proper social distancing can be maintained, such as only one child using the water table at a time, and the water tables are cleaned in between each child's use and sanitized at the end of each day)
- Suspend use of Play-Doh or other clay-like materials
- Suspend use of shared toys that children wear on their faces such as play masks and goggles, except play masks or goggles that are worn by an individual child and stored separately for that individual child.
- Staff and children must wash hands upon entering the classroom and upon leaving
- All hard surfaces must be sanitized twice a day and as needed
- Toys should be separated for sanitizing immediately after being placed in a child's mouth
- All frequently touched surfaces (doorknobs, light switches, faucets and phones) should be sanitized frequently throughout the day
- Access to food preparation areas should be restricted to only staff who are essential to food preparation

7. Providers must adhere to the current requirements for cloth face coverings, distancing and other DPH requirements. For child care businesses, these practices include:

- All child care providers and/or staff working in child care facilities must wear cloth face coverings covering the nose and mouth while at work;
 - During nap time when children are sleeping, staff may remove the cloth face covering IF social distancing is maintained and the mask is readily available to reposition properly on the face when approaching children and others.
 - During outside play, staff may remove the cloth face covering IF social distancing is maintained and the mask is readily available to reposition properly on the face when approaching children and others.
- If a staff member or other adults in a child care facility cannot wear a face covering due to a medical condition, documentation from the individual's health care provider is required but does not require the health condition to be named. Documentation must be available for review upon request by DPH or OCCL.
 - Individuals with such documentation are required to wear a face shield at such times that a facial covering would be required.
- Providers must follow DPH guidance regarding face coverings for children and the modifications to Delaware's State of Emergency due to a public health threat;
 - All children in kindergarten and above must wear face coverings at all times while inside child care centers and child care homes except for meals, naps, or when doing so would inhibit the child's health. If outside the child care home or center, face coverings must be worn by children kindergarten and above if social distancing cannot be maintained.

- All children 2 years of age through pre-kindergarten are strongly encouraged to wear face coverings if they can do so reliably in compliance with CDC guidance on how to wear cloth face coverings while inside child care homes and centers, except for meals, naps, or when doing so would inhibit the child’s health and outside, if social distancing cannot be maintained.
- Any child under two years of age must not wear a face covering due to suffocation risk.
- Child care homes and centers shall develop written procedures to respond to individual requests for reasonable accommodations or modifications to their face covering policy to allow a child who cannot wear a face covering because of their health or a disability to participate in, or benefit from, the programs offered or services that are provided by the child care home or center.
- Child care providers and staff at child care homes and centers must supervise use of face coverings by children to avoid misuse and monitor compliance.
- Facilities must deny entry to anyone in kindergarten or above who is not wearing a face covering in compliance with DPH guidance and the State of Emergency, if one is not available to be provided to that person.
- Business owners must provide cloth face coverings to staff if staff do not already have them;
- Business owners must provide staff and children with access to handwashing facilities and supplies and hand sanitizer. Children and staff must be allowed time to wash hands frequently throughout the day;
- Social distancing of 6 feet for school-age children shall be maintained with appropriate use of face coverings, as appropriate to the age and developmental levels of the school-age children in care and the activities being performed. Note: if the children are seated and facing the same direction, then 3 feet between students with use of face coverings is appropriate. Social distancing of younger than school-age children is not required but is encouraged where feasible; and
- Child care homes and centers must discontinue off-site field trips.
- Reporting of COVID-19 cases among staff or students to DPH is required. It is covered under the category of Severe Acute Respiratory Syndrome (SARS) – as SARS CoV-2 is the virus that causes COVID-19. A full list of notifiable diseases is [listed here](#). Child care providers must report positive cases of COVID-19 in their center or childcare home to DPH.

In addition, the Secretary of Education has the authority to suspend and/or modify existing DELACARE regulations as needed to provide greater flexibility for child care providers. The following sections of “*DELACARE: Regulations for Early Care and Education and School-Age Centers*” are suspended and modified as indicated:

Modify 24.K.1(c) Staffing; Early Childhood Intern (Center Regulations)

Guidance: Staff with a valid intern qualifications certificate issued by Delaware First who are at least 18 years of age, have at least three months of experience at the child care facility at which they are currently working, and have been determined eligible as a result of their comprehensive background check by the Criminal History Unit, may be alone with children **ages three years and older**. Documentation of age, experience, and eligibility must be on site in the employee’s

file. Staff qualifications for those working with infants and toddlers remain as found in DELACARE Regulations for Early Care and Education and School-Age Centers. Aides may not be alone with children at any time.

Modify 28.C General Qualifications (Center Regulations)

Guidance: A licensee shall ensure that a staff member **has a scheduled fingerprinting appointment** with Delaware State Police before the start of employment. This information shall be placed in the employee's file. The staff member with a fingerprinting appointment may begin work while being supervised at all times by a person who has completed the background check process and been determined eligible and qualified at least as an early childhood assistant teacher or school-age site assistant. No staff member may be alone with children until after DSCYF's Criminal History Unit reviews the comprehensive background check and determines their eligibility.

Modify 76.D Activity Schedule (Center Regulations)

Guidance: A licensee shall ensure screen time activities, such as watching television, using a gaming device, tablet, phone, or computer, are supervised by a staff member, age-appropriate, and education.

- a. Screen time activities for preschool age children require written parent/guardian permission and are limited to one hour or less per day, unless a special event occurs. Exceptions to this can be requested by submitting a completed variance request to OCCL if a preschool-age child or younger has an IEP, IFSP, or attends a public/private preschool program that has remote learning requirements for that student.
- b. Screen time activities for school-age children do not require parent/guardian permission and are limited to one hour a day, unless connected with the school-age child's educational program.
- c. Children younger than two years of age are prohibited from participating in screen time activities.
- d. Assistive technology is not included in screen time restrictions.

Modify 52.J Activities and Interactions (Family and Large Family Child Care Homes Regulations)

A licensee shall ensure activities, such as watching television or using a gaming device, tablet, phone, or computer, are supervised, age-appropriate, and educational.

- a. Screen time activities for preschool age children require written parent/guardian permission and are limited to one hour or less per day, unless a special event occurs. Exceptions to this can be requested by submitting a completed variance request to OCCL if a preschool-age child or younger has an IEP, IFSP, or attends a public/private preschool program that has remote learning requirements.
- b. Screen time activities for school-age children do not require parent/guardian permission and are limited to one hour a day, unless connected with the school-age child's educational program.
- c. Children younger than two years of age are prohibited from participating in screen time activities.
- d. Assistive technology is not included in screen time restrictions.