



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: February 20, 2012

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, ^{Dmp/klf} Chairperson
State Council for Persons with Disabilities

RE: H.B. 224 [Child Care Licensing: Developmental Child Needs]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 224 which effects some discrete changes to the child care licensing statutes to clarify the scope of authority of the Office of Child Care Licensing (OCCL). SCPD endorses the proposed legislation and has the following observations.

First, the bill deletes a requirement that a home or facility meet the "moral" and "educational" needs of children. Instead, the home or facility would be required to meet the physical, social, mental and developmental needs of a child. These changes merit endorsement. "Moral" needs are subjective and may easily result in conflicts between the parent and the provider. Substituting "developmental" for "educational" is apt and encompasses a broader spectrum of needs.

Second, the bill adopts more "inclusive" language by deleting a reference to "needs of the average child" and substituting "children for whom the home or facility will care". The latter provision is more appropriate since homes and facilities vary in the composition of children by age, disability, and primary language. The current fictional "average child" reference ignores the diversity of children in child care settings and may violate federal and state laws (ADA; §504 of Rehabilitation Act; Equal Accommodations statute) requiring accommodations for children with disabilities.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

Hb 224 occl 2-20-12