



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: March 29, 2016

TO: Beth Kramer, Criminal History Supervisor
Division of Family Services – Office of Child Care Licensing

FROM: DM-P/ARR
Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 19 DE Reg. 822 [DFS Child/Health Care Public School & Camp Registry Check Regulation (3/1/16)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Services for Children, Youth and Their Families/Division of Family Services (DFS)/Office of Child Care Licensing's proposal to amend its child protection registry standards to conform to enactment of S.B. 144 in the 148th General Assembly with an effective date of April, 2016. The proposed regulation was published as 19 DE Reg. 822 in the March 1, 2016 Register of Regulations. SCPD has the following observations.

First, the regulation appears to omit provisions related to student teachers implementing Title 31 Del.C. §309(e)(1). That statute contemplates submission of registry information to the student teacher's college/university while the regulation only envisions submission of the information to an employer (which does not include a college/university).

Second, §6.4 suggests that the employer is only "requested" to provide a copy of the results to an applicant for employment. The statute envisions DSCYF providing the summary to the individual. See, e.g., Title 31 Del.C. §§309(e)(1)(a) and 309(e)(1)(c). Cf. Title 31 Del.C. §309(e)(2) and (3) [DSCY&F shares determination with individual].

Third, in §3.0, the definition of "person seeking employment" and §4.0 are inconsistent. The former includes volunteers and contractors within the scope of "person seeking employment" while the latter establishes a separate subpart (§4.2) for such persons.

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

cc: Ms. Victoria Kelly
Ms. Kelly McDowell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

19reg822dscyf-dfs child-health care public school & camp registry check 3-29-16