



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

## MEMORANDUM

DATE: April 24, 2023

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

FROM: Mr. Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: SB 69 (Exempting Child Care in Sectarian Settings from State  
Regulation)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 69 which defines “child care” and related terms in Delaware Code.

SCPD has the following observations and concerns:

- The only substantive proposed change in this bill is the addition of language that would exempt “a facility operated by a sectarian or religious organization” from the definition of “child care.” This exemption is potentially concerning because it could mean that a large percentage of daycares in Delaware would be exempt from the safety and quality requirements for child care under Delaware law.
- Nationwide, approximately half of all working families who use center-based child care are using a faith-based programs.<sup>1</sup> In Delaware specifically,

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<sup>1</sup> Suzann Morris & Linda Smith, *Examining the Role of Faith-Based Child Care*, Bipartisan Policy Center, June 4, 2021, <https://bipartisanpolicy.org/report/faith-based-child-care/>

approximately 52% of all daycares in are religiously affiliated.<sup>2</sup> In an environment in which daycare is in high demand and parents and employers are in urgent need of affordable child care, families are often limited in their child care options and should be able to expect that a religiously affiliated center is still meeting safety and quality standards.

- Current Delaware regulations already make exemption for short-term child care provided by religious organizations, or other programming for children sometimes provided by religious organizations, such as religious instruction, school vacation programming, tutoring, or music, sports, or arts instruction.<sup>3</sup> The proposed exemptions in this bill far exceed the scope of these types of shorter term or more informal programs, and would instead exempt typical child care programming run by religious organizations filling a similar need, and requiring the same safety and quality standards, as sectarian child care centers.

**SCPD strongly opposes this legislation** as it could increase health and safety issues and could lead to more incidents of abuse and neglect, all of which can lead to injuries and potential disabilities. Children and parents deserve to have child care that is provided according to appropriate health and safety regulations.

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

cc: Ms. Laura Waterland, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

SB 69 Exempting Child Care\_Sectarian Set 4-24-23

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<sup>2</sup> Private Schools Review, Top 20 Best Delaware Private Daycares & Preschools (2023), <https://www.privateschoolreview.com/delaware/daycare-private-schools> (last visited April 12, 2023)

<sup>3</sup> Exempt facilities include: “[r]eligion classes conducted by religious institutions during the summer that do not exceed four weeks,” “[p]rograms established in connection with a business, recreation center, or religious institution in which children are provided care for brief periods of time, while a parent/guardian is on the premises and readily accessible at all times,” “[p]rograms that offer activities for school-age children who attend at their own discretion on an ‘open door’ basis, where there is no payment and no agreement, written or implied, between the program and the parent/guardian for the program to be responsible for the care of the child,” “[p]rograms that offer school-age care on a limited basis in order to meet an emergency need or special need, or only during school in-service days, school holidays, or school vacations,” and “[p]rograms that solely provide lessons or classes, such as tutoring, music, dance, sport, or art;” (9 Del. Admin. C. § 4.2)