



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: February 20, 2012

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

FROM: Ms. Daniese McMullin-Powell, *Dmp/kjk* Chairperson
State Council for Persons with Disabilities

RE: H.B. 226 [Regulation of Child Care Facilities]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 226 and has the following observations.

The Office of Child Care Licensing (OCCL) is charged with regulating individual home and facility-based child care. Title 31 Del.C. §344. However, some facilities are exempt based on the following statutory subsection:

(d) This section shall not apply to any institution, agency, association or organization under state ownership or control, nor shall it apply to any maternity ward of a general hospital.

Thus, publicly operated day care centers located in schools or State facilities are not licensed or regulated by the OCCL. SCPD has previously criticized this exemption. One major concern is that the exemption disallows OCCL investigation of allegations of child abuse or neglect occurring in such settings. Moreover, the OCCL has many salutary health, safety, and hygiene standards that protect and benefit children.

The bill would eliminate the exemption for state-owned or controlled day care programs. Head Start programs (federally regulated) and maternity wards would be exempt. Moreover, the OCCL curriculum standards would not apply to child care settings subject to State Department of Education curricular standards.

SCPD endorses the proposed legislation subject to one technical observation. H.B. 225 also envisions substituting a new subsection "(d)".

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 226 occl 2-20-12