



DELAWARE LICENSING REGULATIONS

The Delaware Department of Services for Children, Youth and Their Families licenses full-day child care centers (Early Care and Education and School-Age Centers)*, large family child care homes, and family child care homes. The standards set by the state are a minimum, which ensure certain safeguards necessary for the child’s growth and development. It is each family’s responsibility to select a program that meets its own particular standards.

The following child care programs do *not* have to be licensed:

- Extended day and full day programs, run by public or private schools (that offer instruction through grade 6), unless operated by an outside organization
- Summer camps
- Care provided in a child’s own home
- Care set up in connection with a religious institution, business, etc., provided for brief periods while parents are on the premises

For programs that *must* be licensed, here are the basic requirements:

1. A *child care center* (which serves 13 or more children) must:
 - Be inspected prior to licensing, and comply with local zoning regulations.
 - Have a minimum of 35 square feet of usable indoor floor space per child, and 50 square feet of outdoor space per child (**please note:** 75 square feet of outdoor space per child is required for programs licensed on or after 1/2/07). Sleeping space must be provided for all children.
 - Not use physical punishment, including spanking.
 - Prohibit smoking in all areas where children are (or will be) present.
 - Hire assistant teachers who are at least 18 years old, a high school graduate with 60 hours of state-approved training and at least six months of experience working with children in a group setting. Teachers must be at least 18 years old, a high school graduate with 120 hours of state approved training and at least one year experience working with children in a group setting.
 - Abide by staff ratios:

Age of Child	Minimum Staff/Child Ratio	Maximum Group Size
Infant (under 1 year)	1:4	8
Young Toddler (1 to 2 years)	1:6	12
Older Toddler (2 to 3 years)	1:8	16
Young Preschool Child (3 to 4 years)	1:10	20
Older Preschool Child (4 to 5+ years) <i>(Not yet in kindergarten or first grade, whichever comes first)</i>	1:12	24
School-Age Child (5+ years) <i>(At least in kindergarten or first grade whichever comes first)</i>	1:15	30

- Require a health examination and appropriate immunization of each child before admission.
- Have varied age-appropriate activities, supplies, and equipment.
- Have a written policy regarding parent communication.
- Exclude sick children from care, except for centers that have a designated sick care program.

* *Please note: New regulations for child care centers (Early Care and Education and School-Age Centers) went into effect 1/1/07.*

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2. *A large family child care home* (which typically serves more than seven children preschool-age and younger in a home setting) must:
 - Have at least two caregivers present.
 - Not care for more than twelve children preschool-age and younger (the exact number of children allowed depends on the ages of all children present during day care hours).
 - Comply with special training, space, and other requirements.
3. *A family child care provider* cares for six or fewer children preschool-age and younger in her own home. There are two levels of family child care providers. A **Level II** provider has more training and experience and therefore is able to care for more children than a **Level I** provider.
 - **Level I** providers may care for no more than four children preschool-age or younger (including the provider's own) and **two** school-age children. **OR** Level I providers may care for no more than five children preschool-age or younger (including her own) with no school-age children.
 - **Level II** providers who care for two or fewer infants may have no more than six children preschool-age or younger plus three school-age children. If four of those six children are under the age of two, the provider may only care for **two** school-agers. *If the provider cares for three infants*, she may only have **two** other preschoolers and **no** school-agers, **OR one** preschooler and **two** school-agers. All include the provider's own children not yet in school.

All family child care providers also must:

- Be at least 18 years old, obtain a physical examination, and attend a six-hour orientation/training session with state licensing staff.
- Be certified in First Aid and Infant/Child CPR.
- Participate in at least 12 hours of approved training a year.
- Have adequate indoor and outdoor space and provide a variety of daily activities.
- Exclude sick children and keep health records on each child enrolled in home.
- **Not** use physical punishment, including spanking.

A prospective provider must fill out an application, obtain three reference statements, and sign a statement certifying compliance. Within the first three months of operation, a state licensing representative should visit a family child care home (to ensure compliance). A license is good for one year. A state inspection should occur before a license is renewed. Unannounced visits also occur when complaints are received.

This sheet includes highlights; the requirements are actually very detailed. To obtain complete copies of licensing requirements, contact the Office of Child Care Licensing. In New Castle County, at: Delaware Youth and Family Center, 1825 Faulkland Rd., Wilmington DE 19805, phone 892-5800. In Kent and Sussex Counties, at: 400 Court Street, Dover, DE 19901, phone 739-5487 or (800) 822-2236. You may also visit their website at: http://www.state.de.us/kids/occl/occl_resources.shtml

Please contact Children & Families First, at 800-734-2388 if you have any questions. You may also visit us on the Web at www.familyandworkplace.org.