

June 26, 2014

Elizabeth Timm  
Office of Childcare Licensing  
1825 Faulkland Road  
Wilmington, DE 19805

**RE: DFS Proposed Early Care and Education and School-Age Centers Regulation [17 DE Reg. 1156 (June 1, 2014)]**

Dear Ms. Timm:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Family Services proposal to adopt a comprehensive revision of its standards applicable to early care and education and school-aged centers. Council would like to share the following observations.

First, Council was unable to identify any general non-discrimination provision, including a provision barring discrimination based on disability. Only isolated and indirect references (e.g. §25.1.3) were noted. Compare 14 DE Admin Code 225 for DOE equivalent. In the 1990s regulations proposed by the Division routinely contained such provisions. See, e.g., attached excerpts from former regulations.

Council feels that the current regulation would benefit from an affirmative requirement that providers comply with the ADA and Equal Accommodations law in their programs. Concomitantly, there are a number of provisions in the proposed regulation which do not appear to align with the opinion from the Attorney General and the ADA. See, e.g., §§59.1 (children excluded if unspecified illness limits child's comfortable participation or extra care needs compromise health and safety of other children); 17.4.1 (implication that programs may discourage enrollment based on special needs).

Second, §13.0 lists several "events" requiring reporting to DFS. There is no mention of reporting extended physical restraint which is apparently not limited by §§64.4 and 65.4. Compare Title 16 Del.C. §5162(a)(2) and 17 DE Reg. 1133, 1137, §6.1.2 (June 1, 2014). DFS may wish to consider requiring the reporting of physical restraint above a certain threshold (e.g. 10 minutes).

Third, §41.0 requires children to wear helmets if riding a bike with wheels of 20 or more inches. State

law requiring children to wear helmets [Title 21 Del.C. §4198K] does not exempt children riding on bikes with smaller wheels. The “20 inch” standard for bikes should be deleted.

Thank you in advance for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have questions or concerns.

Sincerely,

Terri A. Hancharick  
Chairperson

TAH:kpc

Attachments