



SPONSOR: Rep. Chukwuocha & Sen. Lockman

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 196

AN ACT TO AMEND TITLES 14 AND 31 RELATING TO THE PARENTS RIGHT TO KNOW ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Title 14 of the Delaware Code by inserting a new Chapter 30B by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3001B Short Title

This section may be referred to and cited as the “Parents Right to Know Act.”

§3002B Definitions.

For the purpose of this chapter:

(1) “Child care facility” means all licensed facilities within the State where care is provided for children ages birth through 12 years. Licensure for programs providing services solely for children ages 13 years and older is voluntary.

§ 3003B Inspection of child care facility records.

(a) Each licensed child care facility shall provide to each person seeking child care services written notice as defined in subsection (c) of this section, which explains the person’s right to inspect the active records and complaints of any licensed child care facility. Notice shall be provided during in-person tours of the facility. If a tour of the facility is not conducted, the notice shall be provided as part of the enrollment materials provided to the person seeking child care services. In addition, the application packet shall include the address of the nearest Office of Child Care Licensing (OCCL) office and the OCCL website.

(b) Every child care facility shall obtain a statement, signed by the prospective purchaser of care, which attests to timely receipt of the notice provided for in subsection (a) of this section. The child care facility shall keep the signed statement on file for no less than 3 years after the child is no longer enrolled.

(c) The Department of Education shall provide a standardized form of the notice and statement as defined in subsections (a) and (b) of this section respectively, to each licensed facility.

22 (d) The Office of Child Care Licensing shall have available for public request a summary of each child care
23 facility's records.

24 (e) The public shall have access to child care information including a list of all child care facilities, licensed
25 facilities, enforcement actions, and agency contact persons via the Delaware Department of Education website on the
26 Internet.

27 (f) All requests to inspect these records shall be made in writing to the Office of Child Care Licensing. Individuals
28 shall be allowed to inspect such records within 10 business days from the date the request is received.

29 (g) Failure of a child care facility to provide the notice required in subsection (a) of this section or obtain the
30 statement required in subsection (b) of this section from any prospective purchaser shall be a violation of Delaware law,
31 subject to a fine of not more than \$100 for each violation and the total of such fines shall not exceed \$1,000 per calendar
32 year. Justice of the Peace Courts shall have original jurisdiction of such offenses.

33 Section 2. Amend Chapter 3, Title 31 of the Delaware Code by making deletions as shown by strike through and
34 insertions as shown by underline as follows:

35 ~~§ 398 Inspection of child care facility records.~~

36 ~~(a) Each licensed child care facility shall provide to a prospective purchaser of care a written notice defined in~~
37 ~~subsection (c) of this section which details the purchaser's right to inspect, at any time, the active record and complaint files~~
38 ~~of any licensed child care facility. Such notice shall include, but not be limited to, the name of the contact person from the~~
39 ~~Office of Child Care Licensing, the address of the nearest location and telephone number. Such notice shall be provided as~~
40 ~~part of any application packet of materials that the facility provides to purchasers of care.~~

41 ~~(b) Every child care facility shall obtain a statement, signed by the prospective purchaser of care, which attests to~~
42 ~~timely receipt of the notice provided for in subsection (a) of this section. The child care facility shall keep the signed~~
43 ~~statement on file.~~

44 ~~(c) A standardized form of the notice and statement as defined in subsections (a) and (b) of this section~~
45 ~~respectively, shall be provided to each licensed facility by the Department of Services for Children, Youth and Their~~
46 ~~Families.~~

47 ~~(d) By January 1, 2000, the Office of Child Care Licensing shall have available for public request a summary of~~
48 ~~each child care facility's records. Further, the public shall have access to child care information including a list of all child~~
49 ~~care facilities, licensed facilities, enforcement actions and agency contact persons via the Department of Services for~~
50 ~~Children, Youth and Their Families web site on the Internet.~~

51 (e) All requests to inspect these records shall be made in writing to the appropriate Office of Child Care Licensing.
52 Individuals shall be allowed to inspect such records within 10 business days from the date the request is received.

53 (f) Failure of a child care facility to provide the notice required in subsection (a) of this section or obtain the
54 statement required in subsection (b) of this section from any prospective purchaser shall be a violation of Delaware law,
55 subject to a fine not more than \$100 for each violation and the total of such fines shall not exceed \$1,000 per calendar year.
56 Justice of the Peace Courts shall have original jurisdiction of such offenses.

57 (g) For purposes of this subchapter, "child care facility" shall mean all licensed facilities within the State where
58 care is provided for children ages birth through 12 years, excluding schools regulated under Title 14.

SYNOPSIS

The Act places the Parents Right to Know Act in the Department of Education instead of the Department of Services for Children, Youth, and Their Families. This Act also clarifies the notice requirements.