



SPONSOR: Rep. K. Williams & Sen. Sturgeon
Reps. Baumbach, Briggs King, Bush, Heffernan, Lynn,
Osienski; Sens. Gay, Hoffner, Sokola, Walsh

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 45

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DEVELOPMENTAL SCREENING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3004A, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3004A. Child care licenses; investigation; requirements; notice; hearings and appeals [Effective July 1, 2024].

4 (a) An individual or entity may not engage in child care unless the individual or entity first obtains a license from
5 OCCL. Unless renewed, a license expires 1 year from the date the license is issued.

6 (1) Beginning on July 1, 2023, when applying for a license or upon renewal of a license, an applicant must
7 ensure that all children age birth to 5 years old not yet in kindergarten, who have been enrolled by a licensee seeking
8 renewal or to be enrolled, will undergo developmental and social emotional screening using the Department's approved
9 developmental and social emotional screening system by requiring the parent or guardian of an enrolled child to
10 complete the Department's approved developmental and social emotional screening at the time the child is enrolled and
11 at least 1 time per year during ~~enrollment~~. enrollment unless the parent, in writing, declines developmental screening or
12 notifies the licensee that the child is already receiving early intervention services or special education and related
13 services. If an enrolled child's parent or guardian ~~fails to~~ does not conduct the yearly developmental and social
14 emotional screening, the child care provider ~~must~~ shall conduct the ~~screening~~. screening upon receipt of written
15 parental consent.

16 Section 2. Amend § 3004A, Title 14 of the Delaware Code by making deletions as shown by strike through and
17 insertions as shown by underline as follows:

18 § 3004A. Child care licenses; investigation; requirements; notice; hearings and appeals [Effective until July 1,
19 2024].

20 (a) No person may conduct child care, nor may any institution, agency, association, or organization conduct child
21 care, unless first having obtained a license from the Office of Child Care Licensing. The license shall expire 1 year from the
22 date it is issued unless renewed.

23 (1) Beginning on July 1, 2023, when applying for a license or upon renewal of a license, an applicant must
24 ensure that all children age birth to 5 years old not yet in kindergarten, who have been enrolled by a licensee seeking
25 renewal or to be enrolled, will undergo developmental and social emotional screening using the Department's approved
26 developmental and social emotional screening system by requiring the parent or guardian of an enrolled child to
27 complete the Department's approved developmental and social emotional screening at the time the child is enrolled and
28 at least 1 time per year during ~~enrollment~~. enrollment unless the parent, in writing, declines developmental screening or
29 notifies the licensee that the child is already receiving early intervention services or special education and related
30 services. If an enrolled child's parent or guardian ~~fails to~~ does not conduct the yearly developmental and social
31 emotional screening, the child care provider ~~must~~ shall conduct the ~~screening~~. screening upon receipt of written
32 parental consent.

SYNOPSIS

This Act amends Chapter 30A of Title 14 to clarify that screening will not be conducted if a parent declines developmental screening or notifies the licensee that the child is already receiving early intervention services or special education and related services. It further clarifies that the child care provider will conduct the screening where the parent or guardian fails to do so only upon receipt of parental consent.

Because this section of the code has a version that is effective until July 1, 2024, and a version that is effective thereafter, the change appears in both versions to make clear that it is intended to change the pre and post-July 1, 2024 versions.