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## DEPARTMENT OF EDUCATION

### Office of Child Care Licensing

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**Sent:** Monday, August 16, 2021 9:28 AM

**Subject:** Link for Emergency Order Regulations

To All Licensed Child Care Providers,

Emergency child care regulations have been posted on the Delaware Department of Education (DDOE) website. These emergency regulations become effective on Monday, August 16, 2021. The following link (<https://www.doe.k12.de.us/domain/89>) will take you to the specific place on DDOE's website where the emergency orders are posted.

Multiple listings of emergency regulations are posted, each for a specific type of licensed child care. To view the complete emergency order, refer to the specific emergency order for the type of child care program you provide. Those listed below pertain to child care facilities licensed by the Office of Child Care Licensing.

Regulation 933: Regulations for Early Care and Education and School-Age Centers

Regulation 934: Regulations for Family and Large Family Child Care Homes

Regulation 105: Residential Child Care Facilities and Day Treatment Programs

Regulation 938: Regulations for Youth Camps (Regulations for Youth Camps are newly enacted. No camp is currently licensed under these regulations but could possibly become licensed during the emergency order.)

In summary, the following emergency regulations become effective for all licensed child care on Monday, August 16, 2021:

1. All persons or programs conducting child care shall recommend mask use by children ages 2 through pre-kindergarten.
2. All persons or programs conducting child care shall require mask use by children in kindergarten through twelfth grade, plus all staff, family members, and visitors inside the child care facility, regardless of vaccination status.
3. Persons with a medical condition or disability that prevents them from wearing a mask can request a reasonable accommodation from the child care facility. These accommodations must be available for OCCL review if requested.
4. Masks are not required in child care homes or facilities in the following instances:
  - When seated at a table to eat or drink
  - When asleep or napping
  - When engaged in any activity that makes wearing a mask not feasible, such as swimming
  - When a person is in a personal space (i.e., single office) and others outside of that person's household are not present
  - When outdoors
  - When children are not in the building
5. All child care facilities that provide bus service or transportation services to and/or from the child care facility shall recommend mask use by children ages 2 through pre-kindergarten and

shall require mask use by children in kindergarten through twelfth grade, staff, and visitors riding school buses or other transportation vehicles, regardless of vaccination status.

These emergency regulations take effect on August 16, 2021 and remain in effect for 120 days. At the expiration of 120 days, the Department of Education may choose to renew this Emergency Order once for a period not to exceed 60 days.

Comments regarding reconsideration or revision of the amendments to the Emergency Regulations may be send to the Department of Education, Office of the Secretary, Attn: Regulations Review, 401 Federal Street, Suite 2, Dover, DE 19901 or by email to [DOEregulations.comment@doe.k12.de.us](mailto:DOEregulations.comment@doe.k12.de.us).

As always, please contact your licensing specialists with questions.

The Department of Education  
Office of Child Care Licensing