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**TO:** Members of the State Board of Education

**FROM:** Sylvia Lawson, Acting State Superintendent of Schools

**DATE:** October 24, 2023

**SUBJECT:** Proposed Amendments for School Age Children:  
COMAR 13A.16  
*Child Care Centers*  
COMAR 13A.17  
*Child Care – Letters of Compliance*  
**PERMISSION TO PUBLISH**

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### Purpose

The purpose of this item is to request permission to publish amendments to COMAR 13A.16 *Child Care Centers* and COMAR 13A.17 *Child Care – Letters of Compliance* related to group size and staffing requirements for school age children.

### Regulation Promulgation Process

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may be recommended to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

### Executive Summary

#### Proposed Regulation: School Age Children

The proposed amendments pertain to the maximum group size and mandatory training for staff in centers that serve school age children. Currently, a group of school age children (i.e., children younger than 16 years old and attending a public or nonpublic school in grades kindergarten or above) must have a staff/child ratio of 1 to 15 and a maximum group size of 30. Under the proposed amendment, a center may utilize a maximum group size of 45 when staffed by at least one teacher, one assistant teacher, and one aide. A parallel amendment is not necessary for letter of compliance facilities because staff are not required to be qualified as teachers in the same way. As to staff training, groups that include infants, toddlers, or preschoolers must have at least one staff member who is certified

in approved first aid and CPR for every 20 children. That is the standard across the board under current regulation. Under the proposed amendment, however, groups consisting exclusively of school age children must have at least one on staff member who is certified in approved first aid and CPR for every 30 children. These changes provide additional flexibility to centers and letter of compliance facilities that serve school age children while ensuring appropriate supervision and care based on the age groups present.

### Stakeholder Engagement

MSDE met with a School Age Workgroup, where these amendments were first suggested, as well as the Office of Child Care (OCC) Advisory Council to discuss this proposed regulation and receive feedback. The OCC Advisory Council is a public body, created by statute, that is responsible for providing guidance and recommendations related to child care services and regulations in Maryland. The Council serves as an advisory body to MSDE, offering insights and expertise on matters concerning early childhood education and child care programs. Its primary focus is to ensure the well-being, safety, and quality of child care services within the State, making recommendations for policy changes and improvements in the child care system as needed. The stakeholders consulted were supportive of the proposed amendments.

- OCC Advisory Council Ad Hoc Meeting (September 20, 2023)

### **Action**

Request that the State Board grant permission to publish amendments to COMAR 13A.16 *Child Care Centers* and COMAR 13A.17 *Child Care – Letters of Compliance*.

### **Attachments**

COMAR 13A.16.08.03 *Group Size and Staffing*

COMAR 13A.16.10.02 *First Aid and CPR*

COMAR 13A.17.10.02 *First Aid and CPR*

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 16 CHILD CARE CENTERS

### Chapter 08 Child Supervision

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland  
Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.);  
Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.);  
Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.);  
Social Security Act §418 (42 U.S.C. 618)

#### .03 Group Size and Staffing.

A.–B. (text unchanged)

C. Same-Age Groups.

(1) (text unchanged)

(2) [In] *Except as provided in §C(3) of this regulation, in* a group of children of the same age who are 2 years old or older, the following [staff/child ratio and maximum group size] requirements apply:

Child [Ages] Age Group	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 10	20
5 years old and older	1 to 15	30

(3) *A center may utilize a maximum group size of 45 for a group of school age children that is staffed by at least 1 teacher, 1 assistant teacher, and 1 aide.*

D.–E. (text unchanged)

### Chapter 10 Safety

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland  
Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.);  
Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.);  
Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.);  
Social Security Act §418 (42 U.S.C. 618)

#### .02 First Aid and CPR.

A. (text unchanged)

B. A center [with an approved capacity of more than 20 children] shall have in [attendance,] *attendance* [in a ratio of] at least one staff member [for every 20 children present, staff members who are] *who is* currently certified in approved first aid and CPR as specified at §A of this [regulation.] *regulation:*

(1) *For every 20 children present in a group that includes infants, toddlers, or preschoolers; or*

(2) *For every 30 children present in a group of exclusively school age children.*

C.–E. (text unchanged)

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 17 CHILD CARE — LETTERS OF COMPLIANCE

### Chapter 10 Safety

Authority: Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418;  
General Provisions Article, §4-333; Human Services Article, §1-202; Annotated Code of Maryland  
Agency Note: Federal Statutory Reference — Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.);  
Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.);  
Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.);  
Social Security Act §418 (42 U.S.C. 618)

#### .02 First Aid and CPR.

A. (text unchanged)

B. A facility [with an approved capacity of more than 20 children] shall have in [attendance,] *attendance* [in a ratio of] at least one staff member [for every 20 children present, staff members who are] *who is* currently certified in approved first aid and CPR as specified in §A of this [regulation.] *regulation:*

*(1) For every 20 children present in a group that includes preschoolers; or*

*(2) For every 30 children present in a group of exclusively school age children.*

C.–E. (text unchanged)