

B. Nonemergency Action Hearing Requests.

(1) All nonemergency action hearing requests shall be forwarded in writing to the Office and shall state the name and address of the licensee or [holder of the letter of compliance] *the individual contesting the imposition of a civil penalty*, and the effective date and nature of the action appealed from.

(2)—(5) (text unchanged)

C. (text unchanged)

.04 Preliminary Conference.

A. [The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action.] *A preliminary conference may be held before a hearing on an action if an appellant requests the conference.*

B.—D. (text unchanged)

.05 Denial or Dismissal of a Hearing Request.

A. The Office of Administrative Hearings may deny a request for a hearing if:

(1) The issue appealed is not one which adversely affects the licensee [or holder of the letter of compliance]; or

(2) (text unchanged)

B. (text unchanged)

13A.16.19 Public Access to Licensing Records

Authority: *Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] 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 Request for Information from Licensing Records.

A. (text unchanged)

B. The written request shall:

(1) Contain the applicant’s name, address, and telephone number; *and*

[(2) Be signed by the applicant; and]

[(3)] (2) (text unchanged)

[C. A request may be made in any form or format if it does not involve:

(1) Physical inspection of licensing records; or

(2) Preparation of a written or electronic:

(a) Copy of licensing records; or

(b) Report of information from licensing records.]

[D.] C. (text unchanged)

.04 Compelling Public Purpose.

A compelling public purpose shall exist for the custodian of record to permit inspection of licensing records other than the records specified under [State Government Article, §10-617(h)(2)] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland.

KAREN B. SALMON, Ph.D.
State Superintendent of School

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

Notice of Proposed Action

[19-191-P]

The Maryland State Board of Education proposes to:

(1) Amend Regulation **.02** under **COMAR 13A.17.01 Scope and Definitions**;

(2) Amend Regulations **.01**, **.02**, **.05**, and **.06** under **COMAR 13A.17.02 Letter of Compliance Application and Maintenance**;

(3) Amend Regulations **.02—06** and adopt new Regulation **.09** under **COMAR 13A.17.03 Management and Administration**;

(4) Amend Regulations **.05**, **.12**, and **.13** under **COMAR 13A.17.05 Physical Plant and Equipment**;

(5) Amend Regulations **.02—05** under **COMAR 13A.17.06 Staff Requirements**;

(6) Amend Regulations **.02**, **.03**, and **.06** under **COMAR 13A.17.07 Child Protection**;

(7) Amend Regulation **.06** and adopt new Regulation **.08** under **COMAR 13A.17.08 Child Supervision**;

(8) Amend Regulations **.01** and **.02** under **COMAR 13A.17.10 Safety**;

(9) Amend Regulations **.02—04** and **.06** under **COMAR 13A.17.11 Health**;

(10) Amend Regulation **.01** under **COMAR 13A.17.12 Nutrition**;

(11) Amend Regulation **.01** under **COMAR 13A.17.13 Adolescent Facilities**;

(12) Amend Regulations **.02** and **.03** under **COMAR 13A.17.14 Educational Programs in Nonpublic Nursery Schools**;

(13) Amend Regulation **.01**, adopt new Regulation **.03**, recodify existing Regulation **.03** to be Regulation **.04**, and amend and recodify existing Regulations **.04—07** to be Regulations **.05—08** under **COMAR 13A.17.15 Inspections, Complaints, and Enforcement**;

(14) Amend Regulations **.01—05** under **COMAR 13A.17.16 Administrative Hearings**; and

(15) Amend Regulations **.03** and **.04** under **COMAR 13A.17.17 Public Access to Licensing Records**.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to amend **COMAR 13A.17 Child Care—Letters Of Compliance** that was published in 46:4 Md. R. 249—257 (February 15, 2019).

This action was considered by the Maryland State Board of Education at its April 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to clarify certain requirements pertaining to the operation of child care programs operated by tax exempt religious organizations and establish requirements for criminal background checks, swimming pool security, length of time for taking the basic health and safety training, and medical information being provided.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of the proposed amendments is to implement the requirements of the Child Care and Development Block Grant Act, as amended (42 U.S.C. 9858 et seq.), along with Section 418 of the Social Security Act (42 U.S.C. 618). Consistent throughout all four subtitles of regulations, the proposed amendments include statutory requirements of the Child Care and

Development Fund reauthorization, modifications to provide clarity and more consistency between all subtitles, and corrections to the previous publication. The State will reimburse the cost to child care providers for the cost of fingerprinting to meet the new requirement.

<http://earlychildhood.marylandpublicschools.org/fingerprinting>

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Actual \$46,516
B. On other State agencies:	(R+)	Approximately \$428
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) Letters of compliance (LOC) programs	(+)	Approximately \$46,516
(2) Medical information	(+)	Approximately \$80,550
(3) Swimming pool security	(+)	Approximately \$45,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Background Clearances: The State has processed fingerprint reimbursement requests for 90 letters of compliance programs (3% of the 3,006 payment are child care programs with Letters of Compliance) for a total of \$46,516 in obligations. The count for reimbursement to LOC child care programs does not include all of the staff printed for each location—only the center itself. The cost to date for reimbursement of fingerprinting costs for FY 18 is \$15,507 and for FY 19 is \$31,010, for a cost to the State of \$46,516 over FY 18 and FY 19. The State provided a one-time reimbursement for fingerprinting costs to child care providers.

B. Maryland Department of Public Safety and Correctional Services (DPSCS) Criminal Justice Information System is allowed to keep \$2 from the FBI background check. The State estimates there are approximately 214 providers going through the fingerprinting process. Therefore, revenue to the DPSCS is estimated to be \$428 annually.

D(1). Background Clearances: LOC programs and staff incurred up-front costs for meeting fingerprinting requirements. Cost for fingerprinting ranges from \$35 to \$75 per person. The State reimbursed one time only the cost of fingerprinting for providers meeting the new requirement. If the provider/center did not request reimbursement from the State, they would incur the cost of the fingerprinting. In the future, this will be a cost for child care providers.

D(2). Medical Information for LOC Programs and Staff: Medicals will be completed by LOC programs and associated staff every 5

years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, etc. Using these estimates, approximately 1,611 people (3% of the 53,700 people are in child care with letter of compliance) will be spending \$100 for a medical every 5 years, which would be an approximate cost of \$80,550 every 5 years.

D(3). Swimming Pool Security: Maryland estimates that half of the pools already meet fencing requirements and would not incur additional costs. Each fence would cost an estimated \$3,000 to \$5,000 depending on the size of the pool and the outdoor space. Using these estimates, 11 pools owners (3% of the 375 are in child care with letter of compliance) would spend an average of \$4,000 per fence for a total of \$45,000 to bring all facilities into compliance. This is a one-time only cost. All new applicants would need to meet this requirement prior to becoming licensed.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Intended Beneficiaries

Background Clearances/Fingerprinting: To comply with the Child Care and Development Block Grant (CCDBG) Act referenced in Part A, the State is providing reimbursement to child care centers and family child care homes for the cost of staff fingerprinting. While these LOCs/staff incurred the up-front cost for fingerprinting, the State did reimburse that cost, thereby alleviating the economic impact to LOCs who requested reimbursement.

Health and Safety Training: To comply with the CCDBG Act referenced in Part A, the State utilized the Maryland State Department of Education’s Learning Management System to develop and deliver the online health and safety training at no cost to child care providers. The State did not incur any direct costs for the development of the training. For those providers who choose not to take the free online training, or who fail both online attempts, the training can be obtained in a face-to-face setting for an average cost of \$35. This cost is reimbursable to providers who hold a Maryland Child Care Credential at Level 2 or higher. Child care providers can obtain the training in Spanish from Penn State Better Kid Care for \$5. This training is also eligible for reimbursement through the Maryland Credentialing Program. MSDE is currently having a new online Health & Safety training developed that will be asynchronous and allow providers to take the training anytime. The new training is built on a better platform that is easy to maneuver and will test providers as they proceed through the training. This will also be available for no cost to providers or their staff.

Intended Beneficiaries: Households

Families with children enrolled in a LOC program will benefit because their children will receive care and education services from staff and administration who have met higher standards for criminal background checks, health and safety training, and updated staff medical information, and whose facilities will meet requirements for protecting children from swimming pool dangers.

Intended Beneficiaries: Businesses

The amendments are not expected to have an impact on any businesses beyond the child care businesses that comply with the new requirements.

Other Direct or Indirect Impacts: Adverse

Background clearances: Facilities who incurred the cost of fingerprinting (\$35—\$75 per person) and choose not to request reimbursement will not benefit from the alleviation of those costs by the State. Future fingerprinting costs will range from \$35 to \$75 per

person and will be completed every 5 years from the initial fingerprinting date.

Medical information for LOC programs and staff: Individuals working in child care centers will incur the cost of medicals every 5 years. The estimated cost of each medical is between \$75 and \$125, depending on health insurance, co-pays, and other variables.

Swimming Pool Security: An estimated 11 pool owners who are LOC programs would spend an average of \$4,000 per facility, as a one-time cost, to come into compliance with swimming pool security requirements. New applicants for LOC licensure would need to meet this requirement prior to becoming licensed. This additional cost may encourage some child care providers to raise the fees they charge to families.

Other Direct or Indirect Impacts: Positive

Improving the quality of child care and early education in Maryland is expected to enhance the overall reputation of Maryland’s early care and education industry, and this may help attract businesses to Maryland. Higher-quality child care and early education services for children may result in those children more effectively developing the skills they will need to succeed in school and in life and may positively affect the State workforce in the years to come. Maryland’s compliance with the federal CCDBG Act ensures that federal funding continues, which in turn supports working families in Maryland through the Child Care Subsidy program and other quality initiatives to improve long-term benefits to children.

Long-Term Impacts

No long-term effects on Maryland small businesses are anticipated which may differ from, compound, mitigate, or offset the initial effects described above.

Estimates of Economic Impact

(1) Cost of providing goods and services:

Some LOC programs who incur costs related to the amendments may charge higher fees to families for their services. Because child care fees are determined independently by each provider, the overall change, if any, in those expenses cannot be determined.

(2) Effect on the workforce:

Families in Maryland’s workforce with young children and school-age children using child care services will have the ability to choose from LOC programs that are meeting higher standards for: criminal background checks, health and safety training, staff medicals, and, if applicable, fencing requirements for swimming pools. Access to this information may enable families to make informed decisions when choosing a program for their children; and may be seen as a benefit for business growth in Maryland.

(3) Capital investment, taxation, competition, and economic development:

These proposals are not expected to have any direct effect on capital investment, taxation, competition, or economic development. However, as noted above, they may help provide a more attractive environment for business growth.

(4) Consumer choice:

Consumer choice is expected to be affected positively by making higher quality child care services available to families seeking those services.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tara Bartosz, Assistant to the Director, Office of Child Care, Division of Early Childhood, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD

21201, or call 410-767-7806 (TTY 410-333-6442), or email to earlychildhoodregs.msde@maryland.gov, or fax to 410-333-6226. Comments will be accepted through November 12, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on December 3, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

13A.17.01 Scope and Definitions

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; [Family Law Article, §§5-502, 5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202; [State Government Article, §10-617;] 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 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) “Adolescent facility” means a child care facility that offers programs exclusively to children in middle school [and junior high school].

(4)—(6) (text unchanged)

(7) “Capacity” means the total number of children, specified by the letter of compliance [of the facility], who may be in care at any one time.

(8)—(16) (text unchanged)

(17) Employee.

(a) “Employee” means an individual:

(i) Who [for compensation] is employed by the facility operator to work at or for the facility; and

(ii) (text unchanged)

(b) (text unchanged)

(c) For the purpose of applying the criminal background check requirements and the child and adult abuse and neglect record review requirements set forth in this subtitle, “employee” includes any individual who:

(i) [Is compensated by the operator to perform a service at the facility;] *Meets the definition of an employee as set forth in this subsection; and*

[(ii) Has access to children in care; and]

[(iii) (ii) (text unchanged)]

(18)—(19) (text unchanged)

(20) “Identified as responsible for child abuse or neglect” means being determined by a local department of social services or other state agency to be responsible for indicated child abuse or neglect, or awaiting the local department’s appeal hearing after the determination.

(21) (text unchanged)

(22) “Injurious treatment” means:

(a) [Deliberate infliction in any manner of any type of physical pain] *Physical discipline*, including but not limited to spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain;

(b) (text unchanged)

(c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, *threatening*, or ridiculing; and

(d) (text unchanged)

(23)—(24) (text unchanged)

(25) “Letter of compliance” means a letter issued by the Department to a tax-exempt religious organization that meets the requirements under [Family Law Article, §5-574] *Education Article*, §§9.5-401—9.5-420, Annotated Code of Maryland.

(26)—(30) (text unchanged)

(31) “Operated by a tax-exempt religious organization” means that a letter holder *is a church or bona fide house of worship* or has submitted a copy of the determination letter from the Internal Revenue Service that recognizes the organization as [a bona fide church organization] exempt from taxation under the Internal Revenue Code of 1954, 26 U.S.C. §501(c)(3).

(32)—(46) (text unchanged)

13A.17.02 Letter of Compliance Application and Maintenance

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; *Human Services Article*, §1-202;

[State Government Article, §10-617;] 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)

.01 Letter of Compliance — General Requirements.

A.—B. (text unchanged)

C. *The operator may not allow an employee, staff member, substitute, or volunteer to:*

(1) *Be assigned to a group of children or have access to a child in care until the individual has successfully passed the child abuse and neglect clearance and a federal or State criminal background check; or*

(2) *Be alone with a child or group of children until all checks have been successfully passed.*

.02 Initial Letter of Compliance.

A. Application Requirements. An individual or organization that does not currently hold a letter of compliance and wishes to operate a nursery school or child care program under this subtitle shall:

(1)—(2) (text unchanged)

(3) Ensure that an application for a federal and State criminal background check is submitted for:

(a)—(b) (text unchanged)

(c) Each employee, including [paid] substitutes *and volunteers*; and

(d) Each individual [14] 18 years old or older living on the child care facility premises.

B. Before the proposed opening date, the applicant shall submit the following items to the office, if not submitted at the time the written application form was submitted:

(1) Signed and notarized permission to examine records of abuse and neglect of children and adults for information about:

(a) (text unchanged)

(b) Each employee, *including substitutes and volunteers*;

(c)—(e) (text unchanged)

(2)—(12) (text unchanged)

C. *Non-Maryland State Criminal Background Check. If an individual subject to the requirements of §A(3) of this regulation currently resides or has resided in a state other than Maryland within 5 years before the date of application for registration, the individual shall:*

(1) *Apply for a state criminal background check to be performed by a duly authorized entity within that state; and*

(2) *Request the non-Maryland state entity performing the criminal background check to transmit the result of that background check directly to the Agency.*

.05 Response of the Office to Application.

A. (text unchanged)

B. Except as specified at §C of this regulation, the office shall, within 30 days after completing the procedures in §A of this regulation, promptly:

(1) (text unchanged)

(2) For a continuing [license] *letter of compliance* application, issue or deny a continuing [license] *letter of compliance*.

C. (text unchanged)

.06 Denial of Letter of Compliance.

A. An office may deny an application for an initial letter of compliance or a continuing letter of compliance if:

(1) (text unchanged)

(2) An evaluation of the application form, *medical documents, or any documents required* by the office reveals that the applicant, *regardless of intent*, reported false information;

(3)—(7) (text unchanged)

B.—C. (text unchanged)

13A.17.03 Management and Administration

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; *Human Services Article*, §1-202;

[State Government Article, §10-617;] 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 Admission to Care.

A.—C. (text unchanged)

D. If a child is younger than 6 years old at the time of admission, the operator may not allow the child to remain in care if the parent does not, within 30 days after the child’s admission, submit evidence to the operator on a form supplied or approved by the office that the child has received an appropriate lead screening *or test* in accordance with applicable State or local requirements.

E. Temporary Admission to Care.

(1) (text unchanged)

(2) For a child to be temporarily admitted or retained in care, the parent shall present evidence of the child’s appointment with a health care provider or local health department to:

(a) Receive a medical evaluation to include, if applicable, a lead screening *or test*;

(b)—(d) (text unchanged)

(3)—(4) (text unchanged)

.03 Program Records.

The operator shall:

A. (text unchanged)

B. Maintain:

(1)—(2) (text unchanged)

(3) Records of food actually served by the facility for the most recent 4 weeks as required by COMAR [13A.17.12.01G] 13A.17.12.01E;

(4) (text unchanged)

(5) A current copy of [Family Law Article, §5-570] *Education Article*, §§9.5-401—9.5-420 et seq., Annotated Code of Maryland, and this subtitle on the premises and make them available to parents upon request.

.04 Child Records.

A.—D. (text unchanged)

E. [If the child is younger than 6 years old, there shall be documentation that the child has received an appropriate lead screening as required by State or local law.] *The operator shall maintain documentation that, as required by State or local law, each child admitted to, or continuing in, care has received:*

(1) *An appropriate lead screening, if the child is younger than 6 years old and was born before January 1, 2015; or*

(2) *A lead test when the child is 12 months old and again when the child is 24 months old, regardless of where the child resides, if the child was born on or after January 1, 2015.*

F. A medical evaluation and, if applicable, documentation of an appropriate lead screening or test that are transferred directly, without a gap in time longer than 3 months, from a registered family day care home, a licensed child care center, another facility operating under a letter of compliance, or a public or nonpublic school in Maryland may be accepted as meeting the requirements of §§D(3) and E of this regulation.

G.—H. (text unchanged)

I. The operator shall record or maintain on file:

(1) (text unchanged)

(2) Each injury or accident required by Regulation [.06B and C].06D and E of this chapter to be reported;

(3)—(6) (text unchanged)

J. (text unchanged)

.05 Staff Records.

The operator shall:

A. Maintain [for review] and, upon request by the office, submit a current and complete:

(1)—(2) (text unchanged)

B. During an individual's employment at the facility and for 2 years after the date of the individual's last employment there, maintain a record for each individual that includes:

(1) *Training, including basic health and safety training and yearly updates, if required under this subtitle;*

[(1)] (2)—[(4)] (5) (text unchanged)

C. —D. (text unchanged)

.06 Notifications.

The operator shall:

A. Within 5 business days of its occurrence, provide written notification to the office about the:

(1) Addition of a new employee or staff member that includes:

(a) (text unchanged)

(b) Information about the individual's work assignment; [and]

(c) *Proof of compliance with the laws and regulations pertaining to criminal background checks; and*

[(c)] (d) (text unchanged)

(2) (text unchanged)

B. *Within 15 working days of adding the new employee or staff member, provide to the office, if applicable, documentation that the individual meets the requirements of this chapter for the assignment, unless documentation already is on file in the office;*

[B.] C. Have on file in the nursery school or child care program the following information about each employee or staff member:

(1)—(2) (text unchanged)

(3) [If the individual is paid, proof] *Proof of compliance with laws and regulations pertaining to criminal background checks;*

[C.] D.—[D] E. (text unchanged)

[E.] F. Immediately notify the office of:

(1) *An employee or an individual on the child care facility premises who is under investigation for:*

(a)—(b) (text unchanged)

(2) (text unchanged)

[F.] G. Within 5 working days after there is a new [resident on the] *individual living on the child care facility premises who is 18 years old or older:*

(1) Submit to the office a signed and notarized release form giving the office permission to examine records of abuse and neglect of children and adults for information about the [resident] *individual living on the child care facility premises;* and

(2) Direct the [resident] *individual living on the child care facility premises to apply for a federal and State criminal background check pursuant to COMAR 13A.17.02.02A(3) and C; and*

[G.] H. (text unchanged)

.09 Advertisement.

A. *An operator may not advertise child care services unless the facility holds a current letter of compliance issued by the office.*

B. *An advertisement of the facility shall:*

(1) *Specify that the facility holds a letter of compliance; and*

(2) *Include the letter of compliance number issued to the facility by the office.*

13A.17.05 Physical Plant and Equipment

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] General Provisions Article, §4-333; Human Services Article, §1-202;*

[State Government Article, §10-617;] *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)*

.05 Lead-Safe Environment.

A. (text unchanged)

B. If the child care facility is a [pre-1950] *pre-1978 residential rental property, which is an affected property as defined by the Environment Article, §6-801(b), Annotated Code of Maryland, the operator shall submit a copy of the current lead risk reduction or lead free certificate.*

C.—D. (text unchanged)

.12 Outdoor Activity Area.

A.—E. (text unchanged)

F. *Any pool on the premises of the facility shall be made inaccessible to children in care and have security features, including but not limited to a:*

(1) *Fence that surrounds the pool at least 4 feet in height;*

(2) *Self-closing and self-latching mechanism on the gate, door, or access to the pool;*

(3) *Lock that is operable and secured; and*

(4) *Sensor or alarm in the pool and on the access door.*

.13 Swimming Facilities.

A. (text unchanged)

B. An above-ground swimming pool [may not be used for swimming activities.]:

(1) *May not be used for swimming activities; and*

(2) *Shall be made inaccessible to children in care.*

C. *A child in care may not use a pool, such as a fill-and-drain molded plastic or inflatable pool.*

13A.17.06 Staff Requirements

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*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585.] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] 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 Staff Orientation and Training.

On or before assignment, an operator shall document that each employee and staff member has been informed in writing about all areas pertinent to the health and safety of the children, including:

A.—I. (text unchanged)

J. The content of the most current regulations in this subtitle; [and]

K. The community resources available to the family of a child who may have special needs[.];

L. *Effective January 1, 2020, have completed approved basic health and safety training within 90 days of employment; and*

M. *Basic health and safety is completed by each staff member by the end of each 12-month period, measured each calendar year.*

.03 Suitability for Employment.

A. A child care facility operator may not employ an individual who[, as reported on or after October 1, 2005,] has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

(1)—(2) (text unchanged)

(3) A violent crime classified as a felony, *including physical assault or battery*;

(4)—(9) (text unchanged)

(10) Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; [or]

(11) Reckless endangerment[.]; *or*

(12) *The felony of:*

(a) *Murder*;

(b) *Spousal abuse*; *or*

(c) *Arson.*

B. If[, as reported on or after October 1, 2005,] an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included in the list set forth at §A of this regulation, the office:

(1)—(2) (text unchanged)

C.—E. (text unchanged)

.04 Staff Health.

A. Medical Evaluation.

(1) An operator shall obtain a medical evaluation[, including a tuberculosis screen, if indicated], *conducted by a practicing physician, certified nurse practitioner, or registered physician's assistant, on a form supplied or approved by the office, that has been completed within 6 months before the individual begins work in the center, from each prospective:*

(a)—(b) (text unchanged)

(2) *The medical evaluation shall be signed by the individual who conducted the evaluation and include verification that the staff member:*

(a) *Is free of communicable tuberculosis, if indicated; and*

(b) *Has the capability to perform the duties of the staff member's position.*

[(2)] (3) The medical evaluation may transfer directly from one nursery school or child care program to another when [there has been

no gap in employment longer than 3 months] *the evaluation was completed within the previous 24 months of the transfer.*

(4) *The medical evaluation shall be updated every 5 years, measured from the individual's previous medical evaluation date.*

B. Exclusion from Work. Except with the approval of the office and the health officer, an operator may not permit an individual with a serious transmissible infection or communicable disease listed [on a chart supplied by the office] *in the Communicable Diseases Summary, as published by the Maryland Department of Health, to work at a nursery school or child care program during the period of exclusion from child care shown [on the chart for that infection or disease] by the Summary.*

.05 Substitutes.

A.—B. (text unchanged)

C. *Approval by Office.*

(1) *An individual designated as a substitute may not be used in that capacity unless the office has approved the individual.*

(2) *If information received by the office indicates that an individual designated as a substitute may present a risk to the health, safety, or welfare of children in care, the office may disapprove the use of that substitute.*

(3) *The office shall notify the operator of its decision to approve or disapprove a substitute upon evaluation of all criminal background check information and child protective services clearances.*

13A.17.07 Child Protection

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*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585.] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] 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 Abuse/Neglect Reporting.

A. An operator [or], staff member, *employee, substitute, or volunteer* who has reason to believe that a child has been:

(1)—(2) (text unchanged)

B.—C. (text unchanged)

D. An operator may not require a staff member, *employee, substitute, or volunteer* to report through the operator or director, rather than directly to the local department or a law enforcement agency, when the staff member has reason to believe that a child has been abused or neglected.

.03 Child Discipline.

A. (text unchanged)

B. The operator, *staff member, employee, substitute, or volunteer* may not:

(1) (text unchanged)

(2) Punish a child for refusing to eat or drink; [or]

(3) Withhold food or beverages as punishment[.]; *or*

(4) *Spank, hit, shake, or use any other means of physical discipline.*

C. The operator shall:

(1)—(2) (text unchanged)

(3) Ensure that the child discipline policy is followed by each employee, *substitute, volunteer, and other individual connected with the facility.*

.06 Child Security.

A. (text unchanged)

B. Unless an employee or staff member has successfully passed federal and State criminal background checks and[, if hired on or after October 1, 2005,] a review of child and adult abuse and neglect records, the individual may not be alone with an unrelated child in care.

C. A facility employee or staff member who has successfully passed federal and State criminal background checks and[, if hired on or after October 1, 2005,] a review of child and adult abuse and neglect records shall:

(1)—(2) (text unchanged)

13A.17.08 Child Supervision

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] 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)

.06 Supervision During Transportation.

When child transportation is conducted to or from:

A. The child care facility by the facility operator, there shall be at least one adult, *who has successfully passed federal and State criminal background checks and a review of child and adult abuse and neglect records pursuant to COMAR 13A.17.07.06C*, other than the driver present in the vehicle if:

(1)—(2) (text unchanged)

B. (text unchanged)

.08 Rest Time Supervision.

During a rest period for a group of children:

A. *The required staff/child ratio applicable to that group shall be maintained until all the children are resting quietly; and*

B. *Once all the children in the group are resting quietly:*

(1) *At least one staff member assigned to the group shall continue to remain in the room with the children; and*

(2) *Other staff members, if any, assigned to the group may leave the room but shall remain on the premises and within hearing range.*

13A.17.10 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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] 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)

.01 Emergency Safety Requirements.

A. (text unchanged)

B. If the child care facility is included within a comprehensive emergency and disaster plan, the facility operator shall ensure that:

(1) The comprehensive plan contents meet all emergency and disaster plan requirements set forth at [§A(2)(a)] §A(3)(a) and (b) of this regulation; and

(2) (text unchanged)

C. (text unchanged)

.02 First Aid and CPR.

A.—B. (text unchanged)

C. Whenever a child in care is being transported under child care facility auspices to or from the facility, there shall be at least one adult present in the vehicle who is currently certified in approved CPR and first aid. This requirement may be met by the driver of the vehicle *if the driver is an employee of the center.*

D.—E. (text unchanged)

13A.17.11 Health

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] 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 Infectious and Communicable Diseases.

A. (text unchanged)

B. Except in facilities for children with acute illness, an operator may not knowingly admit to care or retain in care a child with a transmissible infection or a communicable disease during the period of exclusion recommended for that infection or disease as shown [on a chart provided by the office] *in the Communicable Disease Summary, as published by the Maryland Department of Health*, unless the health officer grants approval for the child to attend child care during that period.

.03 Preventing Spread of Disease.

A. (text unchanged)

B. Hands shall be washed according to the posted approved procedure by a facility employee, *substitute*, volunteer, or child in care at least:

(1)—(3) (text unchanged)

C. (text unchanged)

.04 Medication Administration and Storage.

A.—E. (text unchanged)

F. [Effective July 1, 2011:] *Medication Administration Training.*

(1) (text unchanged)

(2) Medication may be administered to a child in care only by an employee who has completed approved medication *administration* training.

G.—H. (text unchanged)

.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of illegal or nonprescribed controlled dangerous substances:

A. (text unchanged)

B. By an employee, *a substitute*, or a volunteer during an off-site program activity.

13A.17.12 Nutrition

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; Human Services Article, §1-202;

[State Government Article, §10-617;] 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)

.01 Food Service.

A. Food and Beverages.

(1) (text unchanged)

(2) For children in care, *unless provided by the child's parent*, the operator shall furnish:

- (a)—(b) (text unchanged)
- (3)—(6) (text unchanged)
- B.—E. (text unchanged)

13A.17.13 Adolescent Facilities

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; *Human Services Article*, §1-202; [State Government Article, §10-617;] *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)

.01 Requirements for Approval.

An applicant for a child care program offering care to children attending a middle school [or a junior high school] shall:

- A.—B. (text unchanged)

13A.17.14 Educational Programs in Nonpublic Nursery Schools

Authority: *Education Article*, [§§2-206 and 2-303] §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; [Family Law Article, §§5-570 and 5-573;] *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 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(7) (text unchanged)
 - (8) “Letter of compliance” means a document issued by the Department pursuant to [COMAR 13A.16] *this subtitle* that authorizes the recipient to operate a letter of compliance facility.
 - (9)—(14) (text unchanged)

.03 Approval to Operate an Educational Program — General Requirements.

- A. (text unchanged)
- B. A bona fide church organization may be approved to operate an educational program without holding a child care center license or a letter of compliance *if child care is not a component of the program*.
- C.—G. (text unchanged)

13A.17.15 Inspections, Complaints, and Enforcement

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; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] *General Provisions Article*, §4-333; *Human Services Article*, §1-202; [State Government Article, §10-617;] *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)

.01 Complaints.

[The office shall investigate both written and oral complaints that relate to a violation of a regulation, including anonymous complaints, and prepare a written report of the findings.]

The office shall investigate:

- A. Both written and oral complaints that relate to a potential violation of a regulation under this subtitle, including anonymous complaints; and
- B. Complaints of providing child care or advertising child care services without a valid letter of compliance.

.03 Warnings.

If an investigation of a complaint or an inspection of a facility indicates a violation of this subtitle that does not present an immediate threat to the health, safety, and welfare of a child in care, the office may issue a warning in writing, on an inspection report or by separate letter, that states:

- A. The violation found, citing the regulation;
- B. The time period for correcting the violation; and
- C. That failure to correct the violation may result in sanctions being imposed or in suspension or revocation of the letter of compliance.

[.04].05 Suspension.

- A. (text unchanged)
- B. The office shall notify the operator in writing of the suspension by certified mail 20 calendar days in advance, and the notice shall specify:

- (1)—(6) (text unchanged)
- (7) That, if the suspension is upheld by the [Superintendent’s designee] *Office of Administrative Hearings* following the hearing, the operator shall cease providing child care until the office determines that the health, safety, or welfare of a child in the facility no longer is threatened;
- (8)—(9) (text unchanged)
- C.—D. (text unchanged)

[.05].06 Emergency Suspension.

- A. (text unchanged)
- B. The office shall hand deliver written notice of the emergency suspension to the operator stating:

- (1)—(2) (text unchanged)
- (3) That the operator is entitled to a hearing before the [Superintendent] *Office of Administrative Hearings* within 7 calendar days of the operator’s request for a hearing;
- (4) That the [Superintendent] *Office of Administrative Hearings* shall issue a decision concerning the emergency suspension within 7 calendar days of the hearing;
- (5)—(7) (text unchanged)
- C. *If unable to hand deliver a written notice to the operator, the Office may send notice by regular and certified mail to the operator’s address.*
- [C.] D. (text unchanged)

[.06].07 Revocation.

- A. The office may revoke a letter of compliance if:
 - (1) (text unchanged)
 - (2) The operator, *regardless of intent*, misrepresented or offered false information on the application or on any form or report required by the office;
 - (3) (text unchanged)
 - (4) The operator fails to comply with the:
 - (a) Prohibitions on the use of an individual as an employee, substitute, or [as a] volunteer as set forth, respectively, in COMAR 13A.17.06.03A and B [and .07C], *COMAR 13A.17.06.05C*, and *COMAR 13A.17.06.07B*; or
 - (b) (text unchanged)
 - (5) (text unchanged)
 - (6) Violations required to be corrected during a period of suspension have not been corrected and the period has ended; [or

(7) The letter of compliance is a continuing letter of compliance that was replaced by a conditional letter of compliance, and the:

(a) (text unchanged)

(b) Operator has failed to meet the requirements for reinstatement of the continuing letter of compliance[.]; or

(8) *The evaluation of information provided to or acquired by the office indicates that the operator is unable to care for the welfare of children.*

B. If the office decides to revoke a letter of compliance, the office shall notify the operator in writing 20 calendar days before the effective date of the revocation, stating:

(1)—(6) (text unchanged)

(7) That, if the revocation is upheld by the [Superintendent] *Office of Administrative Hearings* following the hearing, the operator shall cease providing child care; and

(8) (text unchanged)

C. (text unchanged)

[.07].08 Penalties.

A. (text unchanged)

B. Civil Penalty.

(1) A person who maintains and operates a nursery school or child care program *or advertises a child care program* without a [license or] letter of compliance, or who violates any regulation in this subtitle, is subject to a civil penalty imposed in a civil action of not more than \$1,000 for each violation, and each day a violation occurs or the facility operates illegally is considered a separate violation.

(2) (text unchanged)

C. *An individual against whom a civil penalty has been imposed under this regulation shall pay the full amount of the penalty promptly to the Department, as instructed by the civil citation or as otherwise directed by the office.*

D. Appeals.

(1) *An individual may appeal the imposition of a civil penalty under this regulation by filing an appeal with the office as instructed by the civil citation or as otherwise directed by the office.*

(2) *Appeals are conducted in accordance with the provisions of COMAR 13A.17.16.*

13A.17.16 Administrative Hearings

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; [Family Law Article, §§5-573 and 5-580; State Government Article, §10-204;] 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)*

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact [on] child care center licenses and letters of compliance. These actions include denials, suspensions, [or] *and* revocations of licenses or letters of compliance, as well as reductions in capacity [or], limitations on the ages or numbers of children who may be admitted to the child care center, *the imposition of civil penalties for providing or advertising child care services without a valid letter of compliance, and employment exclusions pursuant to COMAR 13A.17.06.03A or B.*

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) Emergency Action.

(a) (text unchanged)

(b) “Emergency action” may include an emergency suspension, an immediate reduction in capacity, an immediate limitation on the ages or numbers of children who may be admitted to care, and an [appeal filed by an individual] *employment exclusion* pursuant to COMAR [13A.16.06.03D or 13A.17.06.03D] *13A.17.06.03A or B.*

(8)—(9) (text unchanged)

(10) “Letter of compliance” means a letter issued by the Department to a religious organization which meets the requirements of [Family Law Article, §5-573] *Education Article, §9.5-404, Annotated Code of Maryland.*

(11)—(16) (text unchanged)

.03 Hearing Requests.

A. A hearing shall be held when [an applicant, licensee, or holder of a letter of compliance requests a hearing to contest]:

(1) *An applicant or holder of a letter of compliance requests a hearing to contest:*

[(1)] (a) The denial of an application for a [license or] letter of compliance;

[(2)] (b) A revocation or suspension of a [license or] letter of compliance; or

[(3)] (c) Any other action that adversely impacts [on] the [licensee or] holder of the letter of compliance, including, but not limited to:

[(a)] (i)—[(b)] (ii) (text unchanged)

[(c)] (iii) A limitation on the ages or numbers of children who may be admitted to the child care center[.];

(2) *An individual requests a hearing to contest the imposition of civil penalties for providing child care or advertising child care services without a valid letter of compliance; or*

(3) *An individual requests a hearing to contest the prohibition of employment at a facility holding a letter of compliance.*

B. Non-emergency Action Hearing Requests.

(1) All non-emergency action hearing requests shall be forwarded in writing to the Office and shall state the name and address of the [licensee or] holder of the letter of compliance *or the individual contesting the imposition of a civil penalty*, and the effective date and nature of the action appealed from.

(2)—(5) (text unchanged)

C. (text unchanged)

.04 Preliminary Conference.

A. [The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action.] *A preliminary conference may be held before a hearing on an action if an appellant requests the conference.*

B.—D. (text unchanged)

.05 Denial or Dismissal of a Hearing Request.

A. The Office of Administrative Hearings may deny a request for a hearing if:

(1) The issue appealed is not one which adversely affects the [licensee or] holder of the letter of compliance; or

(2) (text unchanged)

B. (text unchanged)

13A.17.17 Public Access to Licensing Records

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*; [Family Law Article, §§5-560, 5-564, and 5-570—5-585.] *General Provisions Article, §4-333*; Human Services Article, §1-202; [State Government Article, §10-617;] 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 Request for Information from Licensing Records.

- A. (text unchanged)
- B. The written request shall:
 - (1) Contain the applicant’s name, address, and telephone number; *and*
 - [(2) Be signed by the applicant; and]
 - [(3)] (2) (text unchanged)
- [C. A request may be made in any form or format if it does not involve:
 - (1) Physical inspection of licensing records; or
 - (2) Preparation of a written or electronic:
 - (a) Copy of licensing records; or
 - (b) Report of information from licensing records.]
- [D.] C. (text unchanged)

.04 Compelling Public Purpose.

A compelling public purpose shall exist for the custodian of record to permit inspection of licensing records other than the records specified under [State Government Article, §10-617(h)(2),] *General Provisions Article, §4-333(b)*, Annotated Code of Maryland.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Notice of Proposed Action

[19-192-P]

The Maryland State Board of Education proposes to amend:

- (1) Regulation **.02** under **COMAR 13A.18.01 Scope and Definitions**;
- (2) Regulations **.01—08** under **COMAR 13A.18.02 Registration Application and Maintenance**;
- (3) Regulations **.02—06** under **COMAR 13A.18.03 Management and Administration**;
- (4) Regulation **.04** under **COMAR 13A.18.04 Operational Requirements**;
- (5) Regulations **.05, .12, and .13** under **COMAR 13A.18.05 Home Environment and Equipment**;
- (6) Regulations **.03—08 and .10** under **COMAR 13A.18.06 Provider and Staff Requirements**;
- (7) Regulations **.02 and .03** under **COMAR 13A.18.07 Child Protection**;
- (8) Regulations **.01, .02, .06, and .08** under **COMAR 13A.18.08 Child Supervision**;
- (9) Regulation **.04** under **COMAR 13A.18.09 Program Requirements**;
- (10) Regulation **.01** under **COMAR 13A.18.10 Safety**;
- (11) Regulations **.02—04** under **COMAR 13A.18.11 Health**;
- (12) Regulations **.01 and .06** under **COMAR 13A.18.12 Nutrition**;
- (13) Regulations **.02 and .05—09** under **COMAR 13A.18.14 Inspections, Complaints and Enforcement**;

(14) Regulations **.01, .03, and .04** under **COMAR 13A.18.15 Administrative Hearings**; and

(15) Regulations **.03 and .04** under **COMAR 13A.18.16 Public Access to Licensing Records**.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to amend **COMAR 13A.18 Large Family Child Care Homes** that was published in 46:4 Md. R. 258—269 (February 15, 2019).

This action was considered by the Maryland State Board of Education at its April 23, 2019, meeting.

Statement of Purpose

The purpose of this action is to clarify certain requirements pertaining to the registration and operation of large family child care homes and establish requirements for criminal background checks, swimming pool security, length of time for taking the basic health and safety training, and medical information being provided.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact. The purpose of the proposed amendments is to implement the requirements of the Child Care and Development Block Grant Act, as amended (42 U.S.C. 9858 et seq.), along with Section 418 of the Social Security Act (42 U.S.C. 618). Consistent throughout all four subtitles of regulations, the proposed amendments include statutory requirements of the Child Care and Development Fund reauthorization, modifications to provide clarity and more consistency between all subtitles, and corrections to the previous publication. The State reimbursed the cost to large family child care home providers for the cost of fingerprinting to meet the new requirement.

<http://earlychildhood.marylandpublicschools.org/fingerprinting>

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	Actual \$31,011
B. On other State agencies:	(R+)	Approximately \$275
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Large family child care homes	(+)	Actual \$31,011
(2) Medical information	(+)	Approximately \$53,700
(3) Swimming pool security	(+)	Approximately \$30,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	