


TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools 

DATE: September 24, 2024

SUBJECT: Proposed Licensing Regulations for Maryland Infant and Toddler Program

COMAR 13A.15 *Family Child Care*

COMAR 13A.16 *Child Care Centers*

COMAR 13A.17 *Child Care—Letters of Compliance*

COMAR 13A.18 *Large Family Child Care Homes*

PERMISSION TO PUBLISH

Purpose

The purpose of this item is to request permission to publish amendments to COMAR 13A.15 *Family Child Care*, COMAR 13A.16 *Child Care Centers*, COMAR 13A.17 *Child Care—Letters of Compliance*, and COMAR 13A.18 *Large Family Child Care Homes*, in accordance with [Maryland Code, Education § 9.5-115](#), to ensure that all families at licensed child care programs receive information about the Maryland Infants and Toddlers Program.

Background and Executive Summary

The purpose of this proposed regulation is to require that, at least once per calendar year, families with children under the age of three in licensed child care programs are provided with essential information about the Maryland Infants and Toddlers Program, including contact details for the local lead agency responsible for its administration. This information may be delivered through a personal message, a document with receipt confirmation, or a text message to ensure effective communication. The Maryland State Department of Education will supply content in the form of a brochure that child care providers can use to share information about the Maryland Infants and Toddlers program with families.

Standard 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.

Action

Request the State Board grant permission to publish proposed amendments to COMAR 13A.15, 13A.16, 13A.17, and 13A.18 to ensure that all families in licensed child care programs receive information about the Maryland Infants and Toddlers Program.

Attachments

Maryland Infants and Toddlers Program Proposed Regulations-September 2024

Title 13A STATE BOARD OF EDUCATION

Subtitle 15 FAMILY CHILD CARE

13A.15.03 Management and Administration

Authority: Education Article, [~~§§9.5-301—9.5-308,~~ ~~§§9.5-115, 9.5-301—9.5-308,~~ 9.5-310—9.5-312, 9.5-320, and 9.5-321; 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 Program Records.

The provider or substitute shall:

A. – G. (text unchanged)

H. Document that, at least once each calendar year, the parent of each child under the age of 3 years was given:

(1) Information about the Maryland Infant and Toddlers Program; and

(2) Contact information for the local lead agency responsible for the administration of the Maryland Infant and Toddlers Program.

[H.] I. (text unchanged).

J. The provider may provide the information required under §H of this regulation by:

(1) A personal message to the parent, including an e-mail;

(2) A document for which the parent acknowledges receipt; or

(3) A text message.

13A.15.09 Program Requirements

Authority: ~~Education Article §§9.5-115, 9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321;~~ ~~[Family Law Article, §§5-550, 5-551, 5-557.1, and 5-560;]~~ ~~Family Law Article §§5-550 and 5-551;~~ ~~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.)

.01 Activities.

A. – B. (text unchanged)

C. Upon the request of a parent of a child in care, the provider shall assist the parent with scheduling a time and convenient location for the local lead agency responsible for administering the Maryland Infants and Toddlers Program to provide the appropriate screening for the child.

Subtitle 16 CHILD CARE CENTERS

13A.16.03 Management and Administration

Authority: Education Article, [~~§§9.5-401,~~ ~~§§9.5-115, 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 Program Records.

The operator shall:

A. (text unchanged)

B. Maintain:

(1) – (3) (text unchanged)

(4) A written record of the dates and times at which emergency and disaster plan drills were conducted pursuant to COMAR 13A.16.10.01A(3)(c); ~~[and]~~

(5) Documentation that, at least once each calendar year, the parent of each child under the age of 3 years was given:

(a) Information about the Maryland Infant and Toddlers Program; and

(b) Contact information for the local lead agency responsible for the administration of the Maryland Infant and Toddlers Program; and

~~[(5)] (6) (text unchanged)~~

C. – D. (text unchanged)

E. The operator may provide the information required under §B(5) of this regulation by:

- (1) A personal message to the parent, including an e-mail;*
- (2) A document for which the parent acknowledges receipt; or*
- (3) A text message.*

13A.16.09 Program Requirements

Authority: Education Article, [§§9.5-401,] §§9.5-115, 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 Activity Plans for Infants and Toddlers.

A. – C. (text unchanged)

D. Upon the request of a parent of a child in care, the operator shall assist the parent with scheduling a time and convenient location for the local lead agency responsible for administering the Maryland Infants and Toddlers Program to provide the appropriate screening for the child.

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

13A.17.03 Management and Administration

Authority: Education Article, [§§9.5-401,] §§9.5-115, 9.5-401, 9.5-404, 9.5-405, 9.5-409, 905-411, 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 Program Records.

[The operator shall:]

A. *The operator shall create* [Create] and maintain, for at least 2 years after their creations, records of program:

(1) – (2) (text unchanged)

B. *The operator shall maintain:* [Maintain:]

(1) – (3) (text unchanged)

(4) A written record of the dates and times at which emergency and disaster plan drills were conducted pursuant to COMAR 13A.16.10.01A(3)(c); [and]

(5) Documentation that, at least once each calendar year, the parent of each child under the age of 3 years was given:

(a) Information about the Maryland Infant and Toddlers Program; and

(b) Contact information for the local lead agency responsible for the administration of the Maryland Infant and Toddlers Program; and

[(5) (6) (text unchanged)

C. *The operator may provide the information required under §B(5) of this regulation by:*

(1) A personal message to the parent, including an e-mail;

(2) A document for which the parent acknowledges receipt; or

(3) A text message.

13A.17.09 Program Requirements

Authority: *Education Article §§9.5-115, 9.5-401, 9.5-404, 9.5-405, 9.5-409, 905-411, and 9.5-413—9.5-418; [Family Law Article, §§5-560, 5-564, and 5-570—5-585;] Family Law Article §§5-550 and 5-551; 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.)

.01 Activities, Materials, [Materials] and Equipment.

A. – E. (text unchanged)

F. Upon the request of a parent of a child in care, the operator shall assist the parent with scheduling a time and convenient location for the local lead agency responsible for administering the Maryland Infants and Toddlers Program to provide the appropriate screening for the child.

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

13A.18.03 Management and Administration

Authority: Education Article, [§§9.5-301—9.5-308,] §§9.5-115, 9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; 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 Program Records.

The provider shall:

A. (text unchanged)

B. Maintain:

(1) – (3) (text unchanged)

(4) A written record of the dates and times at which emergency and disaster plan drills were conducted pursuant to COMAR 13A.18.10.01A(3)(c); [and]

(5) Documentation that, at least once each calendar year, the parent of each child under the age of 3 years was given:

(a) Information about the Maryland Infant and Toddlers Program; and

(b) Contact information for the local lead agency responsible for the administration of the Maryland Infant and Toddlers Program; and

[(5)] (6) (text unchanged)

C. – E. (text unchanged)

F. The provider may provide the information required under §B(5) of this regulation by:

(1) A personal message to the parent, including an e-mail;

(2) A document for which the parent acknowledges receipt; or

(3) A text message.

13A.18.09 Program Requirements

Authority: Education Article, [§§9.5-301—9.5-308,] §§9.5-115, 9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; 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 Activity Plans for Infants and Toddlers.

A. – C. (text unchanged)

D. Upon the request of a parent of a child in care, the provider shall assist the parent with scheduling a time and convenient location for the local lead agency responsible for administering the Maryland Infants and Toddlers Program to provide the appropriate screening for the child.