


FTO: Members of the State Board of Education

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

DATE: February 25, 2025

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 Adopt

Purpose

The purpose of this item is to request permission to adopt 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.

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 (MSDE) 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. The proposed regulations were first presented to the State Board on September 24, 2024, for permission to publish. The amendments were published in the Maryland Register from December 13, 2024, through January 13, 2025. MSDE received no public comments.

Action

MSDE requests permission to adopt the proposed amended licensing regulations 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).

Attachments

Presentation Name.pptx
COMAR 13A.15, COMAR 13A.16, COMAR 13A.17, COMAR 13A.18

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.*