

HOUSE BILL 456

O4, F1

7lr0544
CF 7lr2255

By: **Delegates Kaiser, Barve, Buckel, Chang, Ebersole, Frick, Hornberger, Jalisi, Jones, Kelly, Korman, Lierman, McDonough, Patterson, Queen, Reznik, Sophocleus, Turner, A. Washington, M. Washington, and K. Young**

Introduced and read first time: January 26, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Family Child Care Homes and Child Care Centers – Dispute Resolution Process**
3 **– Regulations**

4 FOR the purpose of requiring the State Board of Education to develop certain regulations
5 relating to the establishment of a certain dispute resolution process to be used in
6 certain disputes related to certain family child care homes and child care centers;
7 providing guidelines for the content of the regulations; requiring a certain dispute
8 resolution process to be developed by a certain workgroup composed of certain
9 members; and generally relating to regulations for family child care homes and child
10 care centers in the State.

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 9.5–303(a)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 9.5–303(c) and 9.5–404
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Education**

24 9.5–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The State Board shall adopt regulations that relate to the registration of
2 family child care homes and large family child care homes.

3 (c) At a minimum, the regulations shall provide for:

4 (1) Minimum standards of environmental health and safety, including
5 provisions for:

6 (i) Adequate and safe physical surroundings, including
7 requirements for window coverings in accordance with § 5–505 of the Family Law Article;

8 (ii) The physical and mental health of child care providers; and

9 (iii) Investigation of any criminal record of a child care provider;

10 (2) A thorough evaluation of each prospective family child care home, large
11 family child care home, and child care provider, to be completed before the Department
12 accepts an initial registration;

13 (3) An initial family child care registration that expires 2 years after its
14 effective date;

15 (4) A continuing family child care registration that:

16 (i) Upon application by the child care provider that meets the
17 requirements set by the Department, is issued to the provider before the end of the initial
18 registration period; and

19 (ii) Once issued, remains in effect until surrendered, suspended,
20 revoked, or replaced by a conditional registration;

21 (5) Reporting of any changed circumstances that relate to the
22 requirements, by the child care provider, at the time the change occurs;

23 (6) An orientation to be provided to prospective child care providers by the
24 Department before initial registration;

25 (7) Announced inspection by the Department of each registered family
26 child care home and large family child care home prior to issuance of an initial or continuing
27 registration to determine whether applicable requirements are being met;

28 (8) Unannounced inspection by the Department of each registered family
29 child care home and large family child care home at least once during each 12-month period
30 that an initial or continuing registration is in effect to determine whether safe and
31 appropriate child care is being provided;

(9) Procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;

(10) A DISPUTE RESOLUTION PROCESS THAT:

(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME;

(II) IS UNIFORM AND TIMELY;

(III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;

(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;

(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND

(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;

[(10)] (11) A requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:

(i) Basic first aid training through the American Red Cross or through a program with equivalent standards; and

(ii) Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care home or large family child care home; and

[(11)] (12) (i) A requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and

(ii) A requirement that the notice sent by the family child care home or large family child care home shall:

1. Be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;

2. Be in writing;

3. Identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and

4. Describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.

9.5-404.

(a) The State Board shall adopt rules and regulations for licensing and operating child care centers.

(b) These rules and regulations shall:

(1) Ensure safe and sanitary conditions in child care centers;

(2) Ensure proper care, protection, and supervision of children in child care centers;

(3) Ensure the health of children in child care centers by:

(i) Monitoring children for signs and symptoms of child abuse;

(ii) Instructing licensees and staff concerning child abuse detection and reporting;

(iii) Monitoring health practices to help prevent the spread of disease; and

(iv) Monitoring the care of infants and children with special needs;

(4) Promote the sound growth and development of children in child care centers;

(5) Promote proper nutrition and developmentally appropriate practices by:

(i) Establishing training and policies promoting breast-feeding;

(ii) 1. Requiring compliance with the United States Food and Drug Administration Child and Adult Care Food Program standards for beverages served to children, except that milk that is not nonfat or low fat may be ordered by a health care practitioner or requested by a parent or guardian; and

2. Prohibiting beverages other than infant formula that contain added sweetener or caffeine; and

(iii) Setting limits on screen time;

(6) ESTABLISH A DISPUTE RESOLUTION PROCESS THAT:

(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A CHILD CARE CENTER;

(II) IS UNIFORM AND TIMELY;

(III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;

(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;

(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND

(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;

[(6)] (7) Carry out otherwise the purposes and requirements of this subtitle, including imposition of intermediate sanctions to ensure compliance;

[(7)] (8) Prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;

[(8)] (9) (i) Require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:

1. Basic first aid training through the American Red Cross or through a program with equivalent standards; and

2. Cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and

(ii) Require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children;

[(9)] (10) (i) Require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and

(ii) Require that the notice sent by the child care center shall:

1. Be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;

2. Be in writing;

3. Identify the contaminants and their levels in the center's water supply; and

4. Describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption;

[(10)] (11) (i) Require a child care center to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children, such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the child care center;

(ii) Require the plan under item (i) of this item to include:

1. A designated relocation site and evacuation route;

2. Procedures for notifying parents or other adults responsible for the child of the relocation;

3. Procedures to address the needs of individual children, including children with special needs;

4. Procedures for the reassignment of staff duties during an emergency, as appropriate; and

1 5. Procedures for communicating with local emergency
2 management officials or other appropriate State or local authorities; and

3 (iii) Require a child care center to train staff and ensure that staff are
4 familiar with the plan; and

5 **[(11)] (12)** Require a child care center to have window coverings in
6 accordance with § 5–505 of the Family Law Article.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the dispute resolution
8 processes required in Section 1 of this Act shall be developed by a workgroup that includes:

9 (1) at least one representative from:

10 (i) the Department, including the Office of Child Care;

11 (ii) Disability Rights Maryland;

12 (iii) the Maryland Developmental Disabilities Council; and

13 (iv) Maryland Family Network;

14 (2) at least three child care providers representing different child care
15 settings; and

16 (3) any other stakeholders the workgroup considers necessary.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2017.