

COMAR T. 13A, Subt. 18, Ch. 10, Refs & Annos

COMAR 13A.18.10.01

.01 Emergency Safety Requirements.

A. Emergency and Disaster Plan.

(1) The provider or a staff member shall:

(a) Complete emergency preparedness training that is approved by the office; and

(b) As part of the approved emergency preparedness training, prepare a written emergency and disaster plan for the child care home.

(2) The provider shall maintain the emergency and disaster plan prepared in accordance with §A(1)(b) of this regulation.

(3) The emergency and disaster plan shall:

(a) Establish procedures for:

(i) Evacuating the child care home, including an evacuation route;

(ii) Relocating staff and children to a designated safe site;

(iii) Sheltering in place in the event that evacuation is not feasible;

(iv) Notifying parents of children in care; and

(v) Addressing the individual needs of children, including children with special needs;

(b) Contain:

(i) The name of, and contact information for the local emergency operations center;

(ii) Assignment of staff responsibilities during an emergency or disaster;

(iii) A list of local emergency services numbers; and

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(iv) The radio station call sign and frequency for the local Emergency Alert System;

(c) Be practiced by staff and children at least:

(i) Once per month for fire evacuation; and

(ii) Twice per year for other emergency and disaster situations; and

(d) Be updated at least annually.

(4) A copy of the emergency escape route floor plan shall be posted in each area and room in the child care home.

(5) Each staff member shall be oriented to the contents of the written emergency and disaster plan required at §A(2) of this regulation.

(6) In the event of a declared emergency, the provider shall be prepared to respond as directed by the local emergency management agency through sources of public information.

(7) During an emergency evacuation or practice, a staff member shall take attendance records out of the child care home and determine the presence of each child currently in attendance.

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

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

(2) A copy of the comprehensive plan is available to all staff members.

C. A provider shall post, immediately accessible to each telephone in the child care home, a notice stating the:

(1) 9-1-1 emergency telephone number to summon fire, police, and rescue services;

(2) Child care home's name, address, and telephone number;

(3) Telephone number of the protective services unit of the local department of social services;

(4) Telephone number of a poison control center;

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(5) Name and telephone number of the local health department or a physician to consult about issues regarding health and illnesses;

(6) Name and telephone number of the available adult as required by COMAR 13A.18.08.02D; and

(7) Telephone number of the office.

**COMAR 13A.18.10.02**

**.02 First Aid and CPR.**

A. At all times, including during an off-site activity, at least one family child care teacher or the provider shall be present who holds a current certificate indicating successful completion of approved:

(1) Basic first aid training through the American Red Cross, or a program with equivalent standards, which is appropriate to all child age groups for which the child care home is approved; and

(2) Cardiopulmonary resuscitation (CPR) training through the American Heart Association, or a program with equivalent standards, which is appropriate to all child age groups for which the child care home is approved.

B. Whenever a child in care is present, there shall be at least one staff member, or the provider, present who is currently certified in approved first aid and CPR as specified at §A of this regulation.

C. Whenever a child in care is being transported under child care home auspices to or from the child care home, 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.

D. Section §C of this regulation shall not apply if the driver of the vehicle is a parent of a child in care who is designated by the provider to assist in transporting children in care.

E. A provider shall maintain first aid supplies as required by the office, conveniently accessible for each group of children at the child care home and at an off-site activity.

**COMAR 13A.18.10.03**

**.03 Safe Use of Materials and Equipment.**

The provider shall ensure that furnishings, activity materials, and equipment, whether intended for indoor use or outdoor use, are used:

A. In a safe and appropriate manner by each staff member and each child in attendance; and

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B. As applicable, in accordance with manufacturer instructions or recommendations.

COMAR 13A.18.10.04

.04 Potentially Hazardous Items.

A. A provider shall store all potentially harmful items, including but not limited to the items described in §§B-E of this regulation, in locations which are inaccessible to children in care.

B. Petroleum and flammable products shall be stored in an approved manner.

C. Cleaning and sanitizing agents and poisonous products shall be stored apart from food and beverages.

D. Containers of poisonous products may not be kept on the premises unless they are labeled clearly as to nature, content, and approved purposes.

E. A pesticide may be used only if it is:

(1) Approved by the U.S. Environmental Protection Agency;

(2) Used according to the manufacturer's instructions;

(3) Used only when children are not in care; and

(4) Stored apart from food, beverages, and cleaning agents.

F. If a firearm is maintained in the child care home, the firearm shall be kept:

(1) In a location not used by children in care; and

(2) Unloaded and partially disassembled in a locked container with ammunition stored in its own separate locked container.

G. Whenever a child younger than 5 years old is in care, the provider shall ensure that:

(1) All electrical sockets within reach of the child are plugged or capped as required by the applicable fire code;

(2) Suitable protective barriers are placed at locations accessible and potentially hazardous to the child; and

(3) Child-proof devices are placed on cabinets and drawers that contain items potentially hazardous to the child.

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H. Window Coverings. A window covering installed:

- (1) Before October 1, 2010, shall not have unsecured cords, beads, ropes, or strings that are accessible to a child in care; or
- (2) On or after October 1, 2010, shall be cordless.

**COMAR 13A.18.10.05**

**.05 Rest Time Safety.**

A. Unless specified otherwise in writing by the child's physician, a child who:

- (1) Cannot roll over without assistance shall be placed for sleep on the child's back; or
- (2) Is younger than 12 months old but can roll over unassisted shall be placed for sleep on the child's back, but may be allowed to adopt whatever position the child prefers for sleep.

B. Unless the need for a positioning device is specified in writing by a child's physician, a restricting device of any type may not be applied to a resting child.

**COMAR 13A.18.10.06**

**.06 Transportation.**

A. Unless being transported in a registered school bus or contract motor coach, each child who is transported in a vehicle while in care shall be separately secured in a child car seat or seat belt which is appropriate for the child's age and weight, as specified by Maryland law.

B. A vehicle used to transport a child in care shall comply with all applicable State and federal safety requirements.

**COMAR T. 13A, Subt. 18, Ch. 10, Administrative History**

**COMAR T. 13A, Subt. 18, Ch. 11, Refs & Annos**

**COMAR 13A.18.11.01**

**.01 Exclusion for Acute Illness.**

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A. The provider shall:

- (1) Monitor, and ensure that each staff member present monitors, each child in attendance for signs and symptoms of acute illness;
- (2) Notify a child's parent or other designated person upon observing a sign or symptom of acute illness; and
- (3) Provide temporary isolation for the affected child in a suitably equipped separate area within sight and hearing of an adult.

B. A provider may not admit a child to care or allow a child to remain in care when the child is exhibiting symptoms of acute illness.

C. A child may not be readmitted to care after an absence of 3 days or more due to illness without a written statement from the parent or physician that the child may return to a regular schedule.

COMAR 13A.18.11.02

.02 Infectious and Communicable Diseases.

A. A provider shall immediately transmit to the health officer a report of the name and address of a child or a staff member who appears to be infected with a reportable communicable disease or who has been exposed to a reportable communicable disease as indicated in COMAR 10.06.01.03.

B. A provider 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, unless the health officer grants approval for the child to attend child care during that period.

COMAR 13A.18.11.03

.03 Preventing Spread of Disease.

A. A written hand washing procedure approved by the office shall be posted at each sink used for washing hands.

B. Hands shall be washed according to the posted approved procedure by the provider, each staff member, each volunteer, and each child in care at least:

(1) After toileting or diapering;

(2) Before food preparation or eating; and

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(3) After an outdoor activity or handling an animal.

C. Diapering shall be performed in accordance with a written diapering procedure approved by the office.

COMAR 13A.18.11.04

.04 Medication Administration and Storage.

A. Medication Administration.

(1) Medication, whether prescription or nonprescription, may not be administered to a child in care unless:

(a) Parental permission to administer the medication is documented on a completed, signed, and dated medication authorization form, provided by the office, that is received at the child care home before the medication is administered; and

(b) A licensed health practitioner has approved the administration of the medication and the medication dosage.

(2) A prescription medication may not be administered to a child unless at least one dose of the medication has been given to the child at home.

(3) If medication is by prescription, it shall be labeled by the pharmacy or physician with:

(a) The child's name;

(b) The date of the prescription;

(c) The name of the medication;

(d) The medication dosage;

(e) The administration schedule;

(f) The administration route;

(g) If applicable, special instructions, such as "take with food";

(h) The duration of the prescription; and

(i) An expiration date that states when the medication is no longer useable.

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B. Topical Applications. A diaper rash product, sunscreen, or insect repellent supplied by a child's parent may be applied without prior approval of a licensed health practitioner.

C. Medication shall be administered according to the instructions on the label of the medication container or a registered health practitioner's written instructions, whichever are more recently dated.

D. Recording Requirements.

(1) Each administration of a prescription or nonprescription medication to a child, including self-administration of a medication by the child, shall be noted in the child's record.

(2) Application of a diaper rash product, sunscreen, or insect repellent supplied by a child's parent shall be noted in the child's record.

E. Medication Storage.

(1) Each medication shall be:

(a) Labeled with the child's name, the dosage, and the expiration date;

(b) Stored as directed by the manufacturer, the dispensing pharmacy, or the prescribing physician; and

(c) Discarded according to guidelines of the Office of National Drug Control Policy or the U.S. Environmental Protection Agency, or returned to the child's parent upon expiration or discontinuation.

(2) All medications shall be stored to make them inaccessible to children in care but readily accessible to each staff member designated by the provider to administer medication.

F. Medication Administration Training.

(1) Whenever children in care are present, there shall be at least one child care home staff member present who has completed medication administration training approved by the office.

(2) Medication may be administered to a child in care only by a staff member who has completed approved medication training.

G. The requirements of §F of this regulation shall not apply if:

(1) The child care home employs a registered nurse, registered practical nurse, or medication technician certified by the Maryland Board of Nursing to administer medication to children in care; or



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(2) Responsibility for administering medication to children in care is delegated to a staff member by a delegating nurse in accordance with COMAR 10.27.11.

**H. Self-Administration of Medication.**

(1) Before a child may self-administer medication while in care, a provider shall:

(a) Have a written order from the child's physician and the written request of the child's parent for the child's self-administration of medication;

(b) In consultation with the child's parent, establish a written procedure for self-administration of medication by the child based on the physician's written order; and

(c) Authorize the child to self-administer medication.

(2) Revocation of Authorization to Self-Administer.

(a) A provider may revoke a child's authorization to self-administer medication if the child fails to follow the written procedure required by §H(1)(b) of this regulation.

(b) Immediately upon revoking the child's authorization to self-administer medication, the provider shall notify the child's parent of that revocation.

(c) The provider shall document the revocation of authorization to self-administer and the notification to the child's parent in the child's record.

**COMAR 13A.18.11.05**

**.05 Smoking.**

Smoking is prohibited in any indoor or outdoor area approved for child care use during the child care home's hours of operation.

**COMAR 13A.18.11.06**

**.06 Alcohol and Drugs.**

Whenever children are in care, a provider may not allow the consumption of alcoholic beverages or the use of illegal or nonprescribed controlled dangerous substances:

A. By a person supervising, or helping to supervise, a child in care;

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B. In an area of the child care home approved for child care during the home's hours of operation; or

C. By a staff member or a volunteer during an off-site program activity.

COMAR T. 13A, Subt. 18, Ch. 11, Administrative History

COMAR T. 13A, Subt. 18, Ch. 12, Refs & Annos

COMAR 13A.18.12.01

.01 Food Service.

A. The provider shall prepare, or make arrangements with the child's parents to provide, an adequate amount of nutritious food and beverages for the number of meals and snacks the child will be served, appropriate for the child's age and appetite.

B. If a provider chooses not to provide meals, the provider shall make arrangements with the parent of each child to provide food for meals.

C. Meals and snacks shall be served to each child at regular and age-appropriate intervals according to the hours that the child is in care, as set forth in the following chart:

If a child is at a center for:	The child shall receive at least:
Less than 4 consecutive hours	1 snack
4 to 7 consecutive hours	1 meal and 1 snack
7 to 11 consecutive hours	1 meal and 2 snacks or 2 meals and 1 snack
11 to 14 consecutive hours	2 meals and 2 snacks or 3 meals and 1 snack

D. Unless supplied by the parent of a child in care, food and beverages furnished by the provider to the child for meals and snacks shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.

E. Milk shall be furnished and served with all meals.

F. A provider shall keep a supply of nutritious food on hand in order to provide food to a child whose parent has not supplied food or beverages for meals or snacks.

G. A provider shall keep a dated record of food actually served in the child care home, and to each child on a modified diet, on file for at least 4 weeks.

COMAR 13A.18.12.02

.02 Modified Diet.

If a provider agrees to accept a child who requires a modified diet for:

A. Medical reasons, the provider shall obtain from the child's parent a written prescription for the diet signed and dated by the child's registered health practitioner within the previous 6 months; or

B. Cultural or religious reasons, the provider shall obtain written, dated instructions for the diet signed by the child's parent.

COMAR 13A.18.12.03

.03 Food Sources.

A. A provider shall furnish food at the child care home only if it is wholesome and free from spoilage, filth, or other contamination and obtained from sources that comply with all laws relating to food, food processing, food handling, and food labeling.

B. A provider may not provide to the children home-canned goods or any other hermetically sealed food prepared in a place other than a registered food processing establishment.

C. A provider:

(1) Shall provide only fluid milk and fluid milk products that are:

(a) Pasteurized Grade A;

(b) Except as provided by §C(3) of this regulation, served from the original container; and

(c) Not more than 4 days older than the expiration date marked on the original container;

(2) Except as provided at Regulation .06D of this chapter, may use dry milk, dry milk products, or reconstituted dry milk only for cooking purposes; and

(3) For meals and snacks, may serve milk family-style from a pitcher or similar container into which the milk has been poured from the original container.

COMAR 13A.18.12.04

.04 Food Storage and Preparation.

A. A provider shall:

(1) Protect all food from contamination while it is being stored, transported, or displayed; and

(2) Prepare and serve food, including infant formula, in a safe, sanitary, and healthful manner.

B. There shall be sufficient storage areas for all food brought from the child's home and all food held in reserve for service by the provider.

C. Food shall be stored:

(1) In an area that is dry, cool, well-ventilated, well-lighted, and equipped with easily cleanable shelving; and

(2) If stored on open shelves, at least 6 inches off the floor.

D. Food may be stored:

(1) Separately from family food; or

(2) With family food if the provider chooses to have the entire family food storage area inspected.

E. If food is transferred for storage from its original container, the provider shall provide a secondary storage container that is:

(1) Easily cleanable or disposable;

(2) Nontoxic;

(3) Nonabsorbent;

(4) Tightly closed; and

(5) Clearly labeled as to its contents.

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F. The provider:

- (1) May not store food below overhead waste lines;
- (2) Shall maintain cooked, potentially hazardous hot food at or above a temperature of 140°F;
- (3) Shall refrigerate potentially hazardous food at or below a temperature of 40°F;
- (4) Shall keep frozen food at or below 0°F; and
- (5) Shall restrict the movement of pets and other animals so that food and food contact surfaces are not contaminated.

G. Single service items such as paper and plastic cups, containers, lids, plates, knives, forks, spoons, and placemats shall be:

- (1) Used only once; and
- (2) Stored, handled, and dispensed to protect them from contamination.

H. During an activity in which the children prepare food, the activity shall be planned and carried out in a manner consistent with the safety and health practices required in this subtitle.

I. The provider shall discard:

- (1) All spoiled fruits, vegetables, or other food;
- (2) Refrozen food;
- (3) Potentially hazardous frozen food that has been thawed and not immediately cooked and served;
- (4) Swelled, rusty, or leaky canned foods;
- (5) Foods exposed to fire, smoke, or water damage;
- (6) After a child finishes eating, any remaining food that has come into contact with:
  - (a) The child's mouth; or

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(b) An eating utensil that has been used by the child; and

(7) After being left out for consumption by children during a meal or snack, any milk remaining in an opened original container, a pitcher or similar container, or a drinking vessel.

J. The provider shall send home or discard at the end of each day all opened containers of food brought from home for a child.

COMAR 13A.18.12.05

.05 Food Preparation Area and Equipment.

A. Appliances and equipment in the food preparation area shall be:

(1) Cleaned and sanitized;

(2) In good repair;

(3) Capable of normal operation; and

(4) Not conducive to the harboring of insects and rodents.

B. Food contact surfaces shall be nontoxic, smooth, in good repair, and free of breaks, open seams, cracks, pits, and similar imperfections.

C. Refrigeration shall be:

(1) Of sufficient capacity to store all food and beverages that require refrigeration;

(2) Operated at or below 40°F; and

(3) Equipped with an indicating thermometer graduated at 2°F intervals.

D. All frozen food units shall be operated at 0°F or less, and shall be provided with an indicating thermometer.

E. Utensils and equipment used for the preparation and service of food and beverages shall be cleaned, sanitized, air dried, and stored in a manner approved by the office.

COMAR 13A.18.12.06

.06 Feeding Infants and Toddlers.

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A. The provider shall ensure that the written feeding schedule for each infant and toddler, as required by COMAR 13A.18.03.02C, is:

(1) Followed; and

(2) Updated as necessary or at least every 3 months while the child is in care.

B. Self-Feeding by Children Younger than 18 Months Old.

(1) The child shall be held for each bottle feeding except when developmentally able and insistent upon self-feeding.

(2) The child may hold the bottle only:

(a) When seated; and

(b) If the bottle is made of unbreakable material.

C. Except as specified by §D of this regulation, a provider may serve a child younger than 18 months old only developmentally appropriate:

(1) Commercially prebottled formula;

(2) Breast milk, formula, juice, or water which has been prebottled for the child and provided by the child's parent;

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(3) Commercially processed baby food that is opened and used the same day;

(4) Commercial infant formula, in concentrate, powder, or ready-to-feed form, if the:

(a) Child's parent has provided prior written authorization for the use of the formula; and

(b) Formula is prepared directly from a factory-sealed container and in accordance with the manufacturer's instructions; and

(5) Other foods supplied by the provider or the parent that are consumed the same day.

D. Only whole, pasteurized milk will be served to a child younger than 2 years old who is not receiving formula or breast milk, except that skim milk, reconstituted nonfat dry milk, or 1-2 percent milk may be served upon the written

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prior approval of the child's parent and health care provider.

E. A provider shall ensure that:

(1) All food and bottles intended for consumption or use by a child younger than 18 months old are labeled with the child's name, dated, and refrigerated at 40°F or below if potentially hazardous;

(2) All nipples on bottles are protected;

(3) Breast milk or formula which has been bottled for the child is:

(a) Placed immediately in a refrigerator when brought to the child care home;

(b) Warmed to the desired temperature immediately before feeding; and

(c) Served to the child at a temperature that is safe and conducive to the child's comfortable feeding;

(4) Foods that present a high risk of choking for children younger than 2 years old are not served to them; and

(5) Reusable bottles and nipples are:

(a) Reused only after they have been washed, rinsed, and sanitized; or

(b) If supplied by the child's parent, rinsed after use and returned daily to the parent.

COMAR T. 13A, Subt. 18, Ch. 12, Administrative History

COMAR T. 13A, Subt. 18, Ch. 13, Refs & Annos

COMAR 13A.18.13.01

.01 Purpose and Scope.

This chapter establishes requirements for approval to operate an educational program in a nonpublic nursery school located in a residence that is registered as a large family child care home.

COMAR 13A.18.13.02

.02 Definitions.



**Maryland Regulations Currentness\_ Title 13A State Board of Education -Subtitle 18 Large Family Child Care Homes\_ Chapter 10 Safety**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Certificate of approval" means the document issued by the State Board to the legal authority responsible for governing and operating a school if the school has met the requirements of this chapter.

(2) "Child care home registration" means the document issued by the Department pursuant to this subtitle that authorizes the recipient to operate a large family child care home.

(3) "Class" means a group of students scheduled to report regularly to a teacher at a particular time and place for the implementation of an educational program.

(4) "Department" means the State Department of Education.

(5) "Department representative" means an individual designated by the Department to determine compliance with this chapter.

(6) "Educational program" means an organized program of instruction that:

(a) Is provided by a teacher; and

(b) Meets the requirements of Regulation .07 of this chapter.

(7) "Institution of higher education (IHE)" means a college or university that is accredited by an accrediting commission of one of the regional associations of colleges and schools.

(8) "Montessori program" means an educational program based on the pedagogical philosophy of Dr. Maria Montessori, as reflected in the program's teacher qualifications, curriculum, instructional methods, and materials and equipment.

(9) "Nursery school" means an educational program for children who are 2 years old, 3 years old, 4 years old, or any consecutive sequence of these ages.

(10) "Office" means the central office or a regional office of the Department's Division of Early Childhood Development, Office of Child Care.

(11) "State Board" means the Maryland State Board of Education.

(12) "Teacher" means an individual who:

(a) Provides instruction to children enrolled in an educational program; and

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(b) Meets the requirements of Regulation .06B of this chapter.

**COMAR 13A.18.13.03**

**.03 Approval to Operate an Educational Program -General Requirements.**

A. A provider may be approved to operate an educational program in a nonpublic nursery school only if:

(1) The provider holds a valid registration to operate a large family child care home; and

(2) The educational program would not be operated in the living space of the residence where the child care home is located.

B. Unless a provider chooses to cease operating an educational program, approval to operate the program, once granted, shall continue as long as the:

(1) Child care home registration remains in effect;

(2) Educational program is operated according to the terms under which approval to operate was granted; and

(3) Provider remains in full compliance with all applicable requirements of this chapter.

C. Approval to operate an educational program in a nonpublic nursery school becomes void if the nonpublic nursery school's approval is suspended or revoked, or the child care home registration is suspended or revoked and the provider:

(1) Does not appeal the suspension or revocation action; or

(2) Appeals the suspension or revocation action and the action is upheld through the administrative hearing process or notice of deficiencies hearing before the State Board in accordance with Education Article, §2-206, Annotated Code of Maryland.

D. A provider who has ceased operating an educational program subject to the requirements of this chapter shall promptly return to the office the child care home registration that certifies approval to operate the educational program.

E. A certificate of approval to operate an educational program that was issued to the provider prior to January 1, 2012, shall remain in effect.

**COMAR 13A.18.13.04**

**.04 Approval to Operate an Educational Program -Specific Requirements.**

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

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A. Application for Approval.

- (1) Application for approval shall be made in a manner and form and according to timelines established by the office.
- (2) The applicant shall submit all information that the office considers necessary in order to ascertain compliance with the requirements of this chapter.
- (3) A provider who is already approved to operate an educational program may not apply for approval to operate another educational program if the educational program for which the provider is currently approved is not in full compliance with all applicable requirements of this chapter.

B. When the office is satisfied that the requirements of this chapter have been met, the office shall issue to the applicant a child care home registration that certifies approval to operate an educational program.

C. The child care home registration shall specify the terms under which approval to operate an educational program has been granted, including the:

- (1) Hours, days, and months of approved operation; and
- (2) Ages of children who may be enrolled in the program.

D. If the provider intends to change the terms under which approval has been granted, the provider shall:

- (1) Notify the office in writing at least 60 days before the occurrence of any change or changes; and
- (2) Furnish any information the office considers necessary to approve the change or changes planned by the provider.

E. A provider may not seek approval of a change in the terms of the approval under any one or combination of the following circumstances:

- (1) The educational program demonstrates an area or areas of noncompliance;
- (2) The office has received and is investigating a complaint alleging that the educational program is in violation of one or more regulations under this chapter;
- (3) The office is implementing a sanction or an enforcement action against the child care home registration; or
- (4) A deficiency hearing is pending before the State Board in accordance with Education Article, §2-206,

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Annotated Code of Maryland.

F. Notwithstanding the requirement established in §E of this regulation, a provider may seek approval of a change in the terms of the approval if approval of the change is the means for the provider to demonstrate compliance with this chapter.

G. A provider may not implement a change in the terms of approval until the office has issued a revised child care home registration that reflects the change.

H. A provider shall inform the office in writing at least 30 days before the provider ceases operating an educational program.

**COMAR 13A.18.13.05**

**.05 Compliance and Inspections.**

A. Continued approval to operate an educational program is conditioned on the provider's maintaining compliance with this chapter.

B. To evaluate compliance with this chapter, the office may inspect the educational program, with or without prior notice to the provider, at any time during the approved hours of operation of the program.

C. During an inspection, the provider shall permit the Department representative access to any activity, person, material, document, or other information or source of information connected with the educational program that is considered necessary by the Department representative for the purpose of the inspection.

D. Following each inspection of the educational program, the office shall provide the provider with a written report of all findings of the inspection.

E. If the educational program fails to demonstrate compliance with the requirements of this chapter, the office shall notify the provider in writing of the:

- (1) Regulation or regulations with which the program does not demonstrate compliance;
- (2) Fact or facts that demonstrate the program's noncompliance with each regulation;
- (3) Action or actions the provider is required to take to demonstrate compliance with each regulation; and
- (4) Date by which the program is required to demonstrate compliance with each regulation.

F. Sanctions.

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(1) Failure to maintain compliance with applicable requirements of this chapter may result in a sanction by the office, including restriction, suspension, or revocation of the approval to operate the educational program.

(2) Sanctions against an educational program located in a child care home may be severable.

**COMAR 13A.18.13.06**

**.06 Personnel Qualifications.**

**A. Educational Program Administrator.**

(1) The educational program shall have an administrator who is responsible for the day-to-day administration of the educational program.

(2) The educational program administrator at a minimum shall meet the standards established in §B(3) of this regulation.

(3) The provider shall have a written position description that states the duties and responsibilities of the educational program administrator.

(4) The educational program administrator shall have sufficient time during each educational program day to carry out the duties and responsibilities stated in the written position description of the educational program administrator.

**B. Teachers.**

(1) An educational program shall have a teacher to implement the educational program in each class.

(2) A teacher, regardless of whether the employment status of the teacher is full-time, part-time, paid, volunteer, or substitute, shall meet the requirements of §B(3) of this regulation.

(3) A teacher who provides instruction in language and literacy development, mathematical and scientific thinking, or social studies shall hold or have completed:

(a) A bachelor's degree from an IHE;

(b) 120 semester hours of college credit from an IHE; or

(c) A foreign credential that is determined by the Department to be equivalent to a bachelor's degree from an IHE.

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(4) In addition to meeting the requirements of §B(3) of this regulation, a teacher employed in a Montessori program shall also hold a Montessori diploma for the level of the individual's assignment.

(5) If the degree, college credit, or foreign credential required under §B(3) of this regulation does not include at least 6 semester hours of approved early childhood coursework, the teacher shall, in addition:

(a) Hold or have completed:

(i) The Child Development Associate Credential issued by the Child Development Associate National Credentialing Program; or

(ii) 6 semester hours, 90 clock hours or their equivalent of approved preservice training; or

(b) Be certified by the Department as a teacher for early childhood in nursery through third grade.

(6) An individual approved as a teacher by the Department before July 1, 2010, shall remain qualified for that position as long as the individual is continuously employed as a teacher.

(7) A teacher in an educational program shall complete at least 12 clock hours of approved continued training per full year of employment, measured from date of hire, in that position.

C. An individual who provides assistance to a teacher in a class is not required to meet the requirements of §B(3) or (7) of this regulation.

D. Written Statement of Teacher Qualifications. A provider shall:

(1) Maintain a written statement of the qualifications of each teacher who implements the educational program; and

(2) On request by a parent or legal guardian of a child enrolled, or being considered for enrollment, in the educational program, give to the parent or legal guardian a written statement of the qualifications of each teacher who implements the educational program.

**COMAR 13A.18.13.07**

**.07 Educational Program.**

A. Program. The provider shall implement and maintain at the nonpublic nursery school a written curriculum of the nonpublic nursery school's educational program for the development of skills for each approved nursery school age in the following areas:

(1) Personal and social development;

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(2) Language and literacy development;

(3) Mathematical and scientific thinking;

(4) Social studies;

(5) The arts; and

(6) Physical development and health.

B. Instructional Materials and Equipment. The provider shall own and maintain the nonpublic nursery school instructional materials and equipment required to implement the written curriculum of the educational program specified in §A of this regulation.

**COMAR 13A.18.13.08**

**.08 Child Records.**

A. The provider shall maintain a cumulative record for each child enrolled in the educational program.

B. Each child's record shall include the:

(1) Nonpublic nursery school's name;

(2) Nonpublic nursery school's address;

(3) Nonpublic nursery school's telephone number;

(4) Child's first, middle, and last names;

(5) Child's month, day, and year of birth;

(6) Child's home address;

(7) Month, day, and year the child initially entered the educational program;

(8) Age on enrollment in the educational program;

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(9) Month, day, and year the child withdrew from the educational program, if applicable;

(10) Child's performance information in each curricular area;

(11) Code for the meaning of performance information; and

(12) Number of days the child attended in each school year.

C. The requirements of §B(1)-(8) of this regulation are met by compliance with child record requirements set forth at COMAR 13A.18.03.04C.

D. Age of Admission.

(1) Except as provided by §D(2) of this regulation, a child shall be 2 years old, 3 years old, or 4 years old on or before September 1 of a school year to be age-eligible for admission during that school year to a nonpublic nursery school program approved under this chapter.

(2) A nonpublic nursery school may adopt policies and procedures permitting, on request by a child's parent or guardian, and if a nonpublic nursery school determines that a child demonstrates capabilities warranting early admission, a:

(a) 2-year-old child to be admitted to a 3-year-old nursery school program; or

(b) 3-year-old child to be admitted to a 4-year-old nursery school program.

**COMAR 13A.18.13.09**

**.09 Health, Fire Safety, and Zoning.**

A. A provider shall obtain and maintain documentation verifying current compliance with health, fire safety, and zoning regulations applicable to a nonpublic nursery school.

B. The requirements of §A of this regulation are met by complying with pertinent health, fire safety, and zoning requirements set forth under this subtitle.

**COMAR 13A.18.13.10**

**.10 Procedures and Sanctions for Noncompliance -Educational Programs.**

If the Department believes that a nonpublic nursery school does not meet the conditions or standards on which the certificate of approval of the school was based, the Department shall implement procedures and sanctions for

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noncompliance approved by the State Board.

COMAR T. 13A, Subt. 18, Ch. 13, Administrative History

COMAR T. 13A, Subt. 18, Ch. 14, Refs & Annos

COMAR 13A.18.14.01

.01 Inspections.

A. The office shall inspect each child care home:

(1) On an announced basis before issuing a certificate of initial registration or continuing registration; and

(2) On an unannounced basis, at least once within each 12-month period after the date that a certificate of initial registration or continuing registration was issued to the provider.

B. The provider or staff member shall permit inspection of all areas of the home by the agency representative during the provider's hours of operation.

C. The agency representative may make inspections, in addition to the announced and unannounced inspections specified in §A of this regulation, without prior notice to the provider.

D. Upon request, the provider or staff member shall make the records required by this subtitle available to the agency representative for inspection and copying.

E. A provider or staff member may request satisfactory identification from the agency representative before admitting the person for an inspection.

F. A provider may appeal a finding of noncompliance with this subtitle by requesting a review of findings by the regional office or the central office of the Agency.

COMAR 13A.18.14.02

.02 Complaints.

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

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B. Complaints of unregistered family child care.

COMAR 13A.18.14.03

.03 Warnings.

If an investigation of a complaint or an inspection of a child care home 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 registration.

COMAR 13A.18.14.04

.04 Intermediate Sanctions.

A. Upon determining that a provider has violated or a child care home fails to meet any of the regulations of this subtitle, the office may:

(1) Restrict the age or number of children accepted for care;

(2) Reduce the number of children in care;

(3) Require the provider to receive remedial instruction in a specified content area;

(4) Increase the frequency of monitoring of the home during a specified period of time;

(5) Enter into an agreement with the provider detailing requirements in addition to those above, including time limits for compliance; and

(6) Notify, or require the provider to notify, a parent of a child who may be affected by the situation for which a sanction has been imposed.

B. If the office determines that the provider has violated a condition or requirement of the intermediate sanction, the office may suspend or revoke the registration.

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COMAR 13A.18.14.05

.05 Nonemergency Suspension.

A. The office may suspend the certificate of registration, for a period of not more than 60 calendar days, upon determining that the provider or the child care home is in violation of any of the regulations under this subtitle and that the health, safety, or welfare of a child in the home is threatened.

B. The office shall notify the provider in writing of the suspension at least 20 calendar days before the effective date stating:

- (1) The effective date and period of the suspension;
- (2) The reason for suspension;
- (3) The regulation with which the provider has failed to comply that is the basis for the suspension;
- (4) Corrections required to ensure reinstatement of the certificate of registration;
- (5) That the provider shall stop providing child care on the effective date of the suspension unless the provider requests a hearing;
- (6) That the provider is entitled to a hearing if requested in writing within 20 calendar days of the delivery of the notice;
- (7) The procedure to be used if the provider wishes to request a hearing to appeal the decision of the office;
- (8) That the suspension shall be stayed if a hearing is requested;
- (9) That, if the suspension is upheld following the hearing, the provider shall cease providing child care for the period of the suspension;
- (10) That the suspension may lead to revocation; and
- (11) That the provider is required to surrender the certificate of registration to the office when the suspension becomes effective.

C. The office shall notify the parents of the children in care of the suspension.

D. By the end of the suspension period, the office shall:

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- (1) Reinstate the certificate of registration and return it to the provider; or
- (2) Revoke the certificate of registration.

**COMAR 13A.18.14.06**

**.06 Emergency Suspension.**

A. The office may immediately suspend the certificate of registration for a period of not more than 45 calendar days upon finding that a child's health, safety, or welfare imperatively requires emergency action.

B. The office shall hand-deliver a written notice to the provider informing the provider of the emergency suspension, giving the reasons for the action, and notifying the provider of the right to request, within 30 days of the delivery of the notice, a hearing before the Superintendent's designee.

C. When the certificate of registration is to be suspended immediately:

- (1) The office shall repossess the certificate of registration;
- (2) The provider shall stop providing child care immediately; and
- (3) The office shall notify the parents of the children in care of the suspension and make every reasonable effort to assist the parents of the children in making other child care arrangements.

D. If a hearing is requested by the provider, the Superintendent's designee shall hold a hearing within 7 calendar days of the date of the request.

E. Within 7 calendar days of the hearing, a decision concerning the emergency suspension shall be made by the Superintendent's designee.

F. If the decision does not uphold the emergency suspension, the provider may resume providing child care.

G. By the end of the suspension period, the office shall:

- (1) Reinstate the certificate of registration and return it to the provider; or
- (2) Revoke the certificate of registration.

**COMAR 13A.18.14.07**

**.07 Revocation.**

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A. The office may revoke a certificate of registration if the:

- (1) Provider or child care home is in violation of one or more of the regulations under this subtitle and the health, safety, or welfare of a child in the home is threatened;
- (2) Provider misrepresented or offered false information on the application or on any form or report required by the office;
- (3) Provider interferes with or obstructs the agency representative in the performance of the duties of the office;
- (4) Provider fails to submit all documentation required to maintain the certificate of registration;
- (5) Provider or staff member refuses to permit access to a child or to the space in the home used for child care by a parent or an agency representative during operating hours of the child care home;
- (6) Terms or conditions of a sanction have been violated;
- (7) Violations required to be corrected during a period of suspension have not been corrected and the period has ended;
- (8) The provider fails to comply with the:
  - (a) Prohibitions on the use of an individual as an employee or a volunteer as set forth in COMAR 13A.18.06.03A, B, and F, and .10B; or
  - (b) Child security requirements set forth in COMAR 13A.18.07.06;
- (9) Provider permits an individual to have child supervision responsibilities after being notified by the office that the individual has been disapproved for that purpose;
- (10) Evaluation of information provided to or acquired by the office indicates that the provider is unable to care for the welfare of children;
- (11) Provider admits a child for treatment foster care in the home, unless the child is placed in the home in a preadoptive capacity; or
- (12) The child care home is no longer the primary residence of the provider.

B. If the office decides to revoke a certificate of registration, the office shall notify the provider in writing at least 20 calendar days in advance of the revocation, stating:

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- (1) The effective date of the revocation;
- (2) The reason for the revocation;
- (3) The regulation with which the provider has failed to comply that is the basis for the revocation;
- (4) That the provider shall stop providing child care on the effective date of the revocation;
- (5) That the provider is entitled to a hearing if requested in writing within 20 calendar days of the delivery of the notice;
- (6) The procedure to be used if the provider wishes to request a hearing to appeal the decision of the office;
- (7) The revocation shall be stayed if the hearing is requested, unless the revocation immediately follows an emergency suspension period; and
- (8) That the provider is required to surrender the certificate of registration to the office when the revocation becomes effective.

C. The office shall notify the parents of the children in care of the revocation.

**COMAR 13A.18.14.08**

**.08 Penalties.**

A. An individual found to be operating a child care home, or advertising a family child care service, without a valid family child care registration is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

- (1) \$1,500 for the first violation; and
- (2) \$2,500 for a second or subsequent violation.

B. The office may institute legal proceedings to:

- (1) Enjoin any individual not registered who is providing family child care from continuing to operate; or
- (2) Ask a court in the jurisdiction of the child care home to impose a fine of up to the maximum amount permitted by law on an individual found to be operating in violation of this subtitle.

**COMAR 13A.18.14.09**

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.09 Civil Citations.

A. The office may issue a civil citation imposing a civil penalty to an individual who provides unregistered family child care in violation of the requirements of this subtitle.

B. Assessment of Penalty.

(1) Subject to §B(3) of this regulation, an individual to whom a civil citation is issued is subject to a civil penalty in the amount of:

(a) \$250 for the first violation;

(b) \$500 for the second violation; and

(c) \$1,000 for the third and each subsequent violation.

(2) Each day that unregistered family child care occurs in violation of the requirements of this subtitle is a separate violation under this regulation.

(3) The total amount of civil penalty imposed against an individual in an action under this regulation may not exceed \$5,000.

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.18.15.

COMAR T. 13A, Subt. 18, Ch. 14, Administrative History

COMAR T. 13A, Subt. 18, Ch. 15, Refs & Annos

COMAR 13A.18.15.01

.01 Scope.

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A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact on child care home registrations, such as registration denials, revocations, suspensions, reductions in capacity, limitations on the ages or numbers of children who may be admitted to a child care home, or employment exclusions pursuant to COMAR 13A.18.06.03A or B of this subtitle.

B. The Superintendent has delegated authority to administrative law judges of the Office of Administrative Hearings to make the final decisions of the Superintendent on those actions listed in §A of this regulation. A decision by an administrative law judge of the Office of Administrative Hearings in a family child care registration case is the final decision of the highest administrative authority in the case and thus is directly appealable to the circuit court in the jurisdiction where the child care home is located, pursuant to State Government Article, §10-222, Annotated Code of Maryland.

**COMAR 13A.18.15.02**

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Administrative law judge” means a hearing officer designated by the Maryland Office of Administrative Hearings to render the final decision of the Superintendent in a hearing.

(2) “Appellant” means the individual requesting the hearing or appealing a decision, or that individual’s legal representative.

(3) “Applicant” means an individual applying for a registration to operate a child care home.

(4) “Capacity” means the number of children who may be in care at a child care home at the same time.

(5) “Days” means calendar days.

(6) “Department” means the State Department of Education.

(7) Emergency Action.

(a) “Emergency action” means an action which is effective immediately because of danger to children’s health or safety.

(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, or an employment exclusion pursuant to Chapter 06.03A or B of this subtitle.



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- (8) “Filed” means received in writing by the Office of Child Care.
- (9) “Filing date” is the date a hearing request is received by the Office of Child Care.
- (10) “Office” means the central office or a regional office of the Office of Child Care.
- (11) “Office of Administrative Hearings” means the administrative unit of Maryland government which is responsible for processing requests for hearings, for scheduling and conducting hearings, and for rendering decisions pursuant to State Government Article, §9-1601 et seq., Annotated Code of Maryland.
- (12) “Party” means the appellant and the Office of Child Care.
- (13) “Provider” means a person registered to provide family child care.
- (14) “Registration” means a certificate issued by the Department which gives a person legal permission to operate a child care home.
- (15) “Superintendent” means the State Superintendent of Schools.

**COMAR 13A.18.15.03**

**.03 Hearing Requests.**

**A. A hearing shall be held when an applicant or provider requests a hearing to contest:**

- (1) The denial of an application for registration;
- (2) A revocation or suspension of a registration; or
- (3) Any other action that adversely impacts on registration, including, but not limited to:
  - (a) The setting of a provider’s capacity at a number below that requested;
  - (b) A reduction in capacity; or
  - (c) A limitation on the ages or numbers of children who may be admitted to the child care home.

**B. Nonemergency Action Hearing Requests.**

- (1) All nonemergency action hearing requests shall be forwarded in writing to the Office and shall state the

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name and address of the provider, and the effective date and nature of the action appealed from.

(2) A hearing request shall be filed not later than 20 days after the date of the notice of the action taken by the Office.

(3) The Office shall forward a hearing request to the Office of Administrative Hearings within 10 days of the filing date.

(4) A hearing decision shall be rendered by the Office of Administrative Hearings within 90 days of the filing date.

(5) Any nonemergency action is stayed if a hearing request is timely filed, unless the action is:

(a) A revocation which immediately follows an emergency suspension period; or

(b) A denial which follows the expiration of the provisional period of a registration that was issued on a provisional basis.

**C. Emergency Action Hearing Requests.**

(1) All emergency action hearing requests shall be filed with the Office within 30 days of the hand-delivery of the notice of the Office's action, and shall state the name and address of the provider, and the effective date and action appealed from.

(2) The Office shall notify the Office of Administrative Hearings at once upon receipt of an emergency action hearing request. Oral notification shall be followed by written notification within 24 hours.

(3) A hearing shall be conducted within 7 days of the filing date of the hearing request.

(4) A decision by the administrative law judge shall be rendered within 7 days after the conclusion of the hearing.

(5) The filing of a hearing request may not stay an emergency action.

**COMAR 13A.18.15.04**

**.04 Preliminary Conference.**

A. The Office shall hold a preliminary conference, on request of an appellant, before a hearing on an action.

B. The conference is optional and does not replace the hearing process.

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C. The conference may be attended by a representative of the Office, the appellant, and the appellant's representative.

D. The conference may lead to an informal resolution of the dispute. However, a hearing shall be held unless one of the parties submits a written withdrawal of the hearing request to the Office of Administrative Hearings.

**COMAR 13A.18.15.05**

**.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 registration of a child care home; or
- (2) The date of the request is not within the required time limits.

B. The Office of Administrative Hearings may dismiss an appeal if the appellant:

- (1) Withdraws the request in writing; or
- (2) Without good cause, does not appear at the hearing.

**COMAR 13A.18.15.06**

**.06 Hearing and Appeal Procedures.**

A. Notice to Appellant.

(1) For nonemergency hearings, the Office of Administrative Hearings shall, by regular mail, notify the Office and the appellant of the time, date, and place of the hearing at least 20 days in advance. For rescheduled nonemergency hearings, a 10-day notice is required. For all emergency action hearings, at least 3 days advance notice is required.

(2) The notice to the appellant shall:

- (a) Refer to the regulations governing the hearing procedure; and
- (b) Advise the appellant of:

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- (i) The right to be represented by a lawyer;
- (ii) The right to present documents and witnesses in support of the appeal;
- (iii) Whom to call if the appellant cannot attend the hearing; and
- (iv) The fact that failure to attend the hearing without good cause may lead to dismissal.

(3) The Office shall mail the appellant a copy of these administrative hearing regulations when the request for a hearing is filed.

B. Rescheduling of Nonemergency Action Hearings. The appellant, the Office, or the Office of Administrative Hearings may request a change in the hearing date. If the Office of Administrative Hearings finds that good cause for delay exists, another date shall be set. The time limit for rendering a decision established by Regulation .03B(4) of this chapter is extended by the period of delay due to a postponement requested by the appellant.

C. Rescheduling of Emergency Action Hearings. Emergency action hearings may only be rescheduled by the Office of Administrative Hearings with the consent of both parties or on motion of a party, if substantial prejudice is demonstrated. Only one postponement of an emergency action hearing may be granted.

D. The appellant may examine the appellant's family child care registration record for the purpose of discovering information pertinent to the appeal before the hearing.

E. By agreement, the appellant and the Office may exchange witness lists and documents before the hearing.

F. The procedures in §§D and E of this regulation do not constitute good cause for delay of a hearing.

**COMAR 13A.18.15.07**

**.07 Conduct of Hearing.**

A. The hearing shall be conducted by an administrative law judge.

B. At the hearing, the appellant and a representative of the Office may present witnesses, documentary evidence, and oral argument and may cross-examine any witness. A document introduced into evidence by a party may be examined by the opposing party.

C. The transcript or tape of the proceedings, together with all documents filed in the hearing proceedings and the final decision of the administrative law judge, constitute the exclusive record of the hearing.

**COMAR 13A.18.15.08**

**.08 Decision.**

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A. The administrative law judge shall:

(1) Base the decision on the complete record; and

(2) Determine whether the Office correctly applied State regulations in effect at the time it reached its decision.

B. The final decision of the administrative law judge shall be accompanied by findings of fact and conclusions of law.

C. The final decision shall be binding upon the Department and shall be implemented immediately unless otherwise specifically indicated in the decision.

D. The decision of the Office of Administrative Hearings in cases under this chapter constitutes the decision of the Department.

E. A copy of the decision shall be delivered or mailed promptly to each party or the attorney of record.

F. A party dissatisfied with the decision of the administrative law judge may appeal that decision directly to the circuit court of the appropriate jurisdiction within 30 days from the date notice of the decision is sent to the party, or as otherwise provided in Maryland Rules 7-201-7-211.

COMAR T. 13A, Subt. 18, Ch. 15, Administrative History

COMAR T. 13A, Subt. 18, Ch. 16, Refs & Annos

COMAR 13A.18.16.01

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Confirmed complaint" means a determination by the Department or office after an investigation that the violation of a regulation of this subtitle that was alleged in the complaint has occurred or is occurring.

(2) "Custodian of record" means an authorized individual employed by the Department or office who has physical custody and control of licensing records.

(3) "Licensing records" means all papers, computerized records, correspondence, forms, books, cards, photographs, photostats, films, microfilms, sound recordings, charts, maps, drawings, or other written

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documents, regardless of physical form or characteristics, maintained or stored by the Department or the office in connection with the registering of a person or a child care home to provide child care.

(4) “Official custodian of record” means the Superintendent or the Superintendent’s designee who is responsible for the maintenance, care, and storage of the Department’s licensing records.

(5) “Requester” means an individual, business, corporation, partnership, association, organization, or governmental agency that requests inspection of, or information from, licensing records.

(6) “Sociological information” means any of the following information about a provider, a staff member, a volunteer, or a resident in the child care home:

(a) Social Security number;

(b) Personal address;

(c) Personal phone number;

(d) Information regarding marital status, dependents, or relatives; and

(e) Information regarding employment status, including employment application.

(7) “Unsubstantiated complaint” means a complaint of an alleged violation of a regulation of this subtitle that the Department or office, after an investigation, has been unable to confirm as having occurred or to rule out as not having occurred.

**COMAR 13A.18.16.02**

**.02 Disclosure of Information from Licensing Records.**

A. Except as prohibited or restricted by applicable law or regulation, the custodian of record may make the following information from licensing records available to a requester:

(1) Findings of inspections conducted by the office in registered child care homes;

(2) Records of complaint forms pertaining to confirmed or unsubstantiated complaints;

(3) Copies of certificates of registration, including those on provisional status;

(4) Variances;

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(5) Correspondence and documents requiring abatement of noncompliance with the regulations of this subtitle, including compliance agreements;

(6) Correspondence and documents pertaining to enforcement actions taken by the Department or office against a provider or a child care home, including denial letters, sanctions, emergency suspensions, and revocations; and

(7) Correspondence regarding requests for inspection of licensing records under this regulation.

B. The custodian of record may not disclose sociological information to a requester, except that this information may be disclosed:

(1) To public employees in the performance of their public duties;

(2) To parties litigating claims for unemployment insurance to the extent the sociological information would be available to private parties in litigation; or

(3) When required by a duly issued subpoena.

**COMAR 13A.18.16.03**

**.03 Request for Information from Licensing Records.**

A. A written request shall be filed with the custodian of record in order to:

(1) Conduct a physical inspection of licensing records; or

(2) Obtain a written or electronic:

(a) Copy of licensing records; or

(b) Report of information from licensing records that the official custodian of records does not already make available to the general public.

B. The written request shall:

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

(2) Be signed by the applicant; and

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(3) Reasonably identify by brief description the record sought.

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. The custodian of record may charge a reasonable fee for:

(1) The reproduction of documents sought;

(2) Official or employee time expended searching for requested records; or

(3) Any time expended in preparing records for inspection or copying.

**COMAR 13A.18.16.04**

**.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), Annotated Code of Maryland.

**COMAR T. 13A, Subt. 18, Ch. 16, Administrative History**