

Maryland Regulations Currentness _Title 13A State Board of Education _Subtitle 18 Large Family Child Care Homes _Chapter 06 Provider and Staff Requirements

COMAR T. 13A, Subt. 18, Ch. 06, Refs & Annos

COMAR 13A.18.06.01

.01 Minimum Staff Age.

A staff member in a child care home may not be younger than 16 years old.

COMAR 13A.18.06.02

.02 Staff Orientation.

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

A. The location of the telephone and emergency telephone numbers;

B. The location of each child's emergency form;

C. Emergency and disaster plan contents;

D. Identity of the staff members who:

(1) Are currently certified in first aid and CPR; and

(2) Have completed approved training in medication administration;

E. The identity of the individuals who are required to be available to provide emergency coverage pursuant to COMAR 13A.18.08.02D;

F. Hand washing and diapering procedures approved by the office;

G. The child care home's child discipline policy;

H. The requirements and procedures for reporting suspected child abuse and neglect according to Family Law Article, §§5-704-5-705, Annotated Code of Maryland;

I. Signs and symptoms of abuse and neglect in children; and

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

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J. The contents of the current version of this subtitle.

COMAR 13A.18.06.03

.03 Suitability for Employment.

A. A provider may not employ an individual who has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

- (1) A crime involving:
 - (a) A child;
 - (b) Cruelty to animals;
 - (c) Domestic violence; or
 - (d) A weapons or firearms violation of federal or state laws;
- (2) A sex offense;
- (3) A violent crime classified as a felony;
- (4) Abduction or kidnapping;
- (5) Abuse of a child or an adult;
- (6) Confinement of an unattended child;
- (7) Manufacturing, distributing, or dispensing a controlled dangerous substance;
- (8) Perjury;
- (9) Pornography;
- (10) Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; or
- (11) Reckless endangerment.

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B. If an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included in §A of this regulation, the office:

- (1) Shall assess, on the basis of the following factors, the individual's suitability for employment:
 - (a) The job position at the child care home for which the individual is applying or in which the individual is currently employed;
 - (b) The nature and seriousness of the incident, crime, or offense;
 - (c) How long ago the incident, crime, or offense occurred;
 - (d) The age of the individual at the time the incident, crime, or offense occurred;
 - (e) The individual's probation or parole status, if applicable; and
 - (f) Any other information the office considers pertinent; and
- (2) Depending on the results of the assessment, shall permit or prohibit employment of the individual.

C. Request for Reassessment.

- (1) An individual who is prohibited from employment by the office pursuant to §B of this regulation may request the office to conduct a reassessment with respect to the incident, crime, or offense.
- (2) For a reassessment request to be eligible for consideration:
 - (a) The request shall be in writing and shall include documentation, such as but not limited to letters of support or evaluation reports, pertinent to the incident, crime, or offense; and
 - (b) The individual may not have submitted a reassessment request, whether for the same or a different job position, within the previous 12 months.
- (3) In order to reach a decision on the request, the office may request additional information from the individual, the provider, or any agency or entity cited by the individual or the provider in connection with the reassessment request.
- (4) Upon reaching a decision on the request, the office shall promptly notify the individual of that decision.
- (5) The provider may not permit the individual to begin or to resume employment until the office has notified the provider that the individual may be employed.

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D. Notification of Employment Prohibition.

(1) If the office, pursuant to this chapter, determines that an individual may not be employed at a child care home, the office shall notify the individual and the provider in writing of that decision and its basis.

(2) The written notification to the individual shall also:

(a) State that the individual may appeal the decision to the Office of Administrative Hearings (OAH); and

(b) Specify the requirements for submitting an appeal to the OAH.

E. Upon notification that an individual may not be employed, the provider:

(1) Shall promptly terminate the individual from employment or from consideration for employment, as applicable; and

(2) Unless the individual appeals the decision to the OAH and the appeal is concluded in favor of the individual, may not:

(a) Reconsider the individual for employment;

(b) Permit the individual to have any contact with an unrelated child in care; or

(c) Allow the individual on the premises of the child care home except to exercise parental responsibilities with respect to a related child in care.

F. A provider may not allow an individual to serve, or to continue to serve, in a child care position for which the individual does not meet the employment qualification or training requirements set forth at Regulations .05-.07, as applicable, of this chapter, unless the individual is a substitute functioning in accordance with Regulation .08 of this chapter.

COMAR 13A.18.06.04

.04 Staff Health.

A. Medical Evaluation.

(1) A provider shall obtain a medical evaluation, including a tuberculosis screen, if indicated, on a form supplied or approved by the office, that has been completed within 6 months before the individual begins work in the child care home, from each prospective:

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(a) Staff member; and

(b) Except for a health care professional serving as a consultant pursuant to Regulation .09C of this chapter, support staff who will be present at the child care home while children are in care.

(2) The medical evaluation may transfer directly from one child care home to another, or from a licensed child care center to the child care home, if the evaluation was completed within the previous 12 months.

B. Exclusion from Work. Except with the approval of the office and the health officer, a provider may not permit an individual with a serious transmissible infection or communicable disease listed on a chart supplied by the office to work at the child care home during the period of exclusion from child care recommended on the chart for that infection or disease.

COMAR 13A.18.06.05

.05 Child Care Home Directors.

A. Use of a Director.

(1) A provider may designate an individual to serve as the director of the child care home.

(2) If an individual is not designated by the provider as the director, the provider shall be the director of the child care home.

B. An individual designated as the director of a child care home shall meet the requirements of this regulation.

C. The provider shall meet the requirements for qualifying as the director of a child care home.

D. Except when engaged in occasional child care home-related activities or away on leave, the director shall be present in the child care home during at least 1/2 of the operating hours of the home each week to:

(1) Plan and supervise all aspects of the program for children;

(2) Supervise the staff; and

(3) Be available to staff, parents, and children.

E. Except as set forth at §F of this regulation, to qualify as a director in a large family child care home, an individual shall:

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- (1) Be 21 years old or older;
- (2) Hold a high school diploma or a certificate of high school equivalence, or have successfully completed at least 6 credits from an accredited college or university;
- (3) Have successfully completed:
 - (a) 9 clock hours of approved preservice training in communicating with staff, parents, and the public; and
 - (b) 3 semester hours or their equivalent of approved administrative training;
- (4) Have successfully completed 6 semester hours or 90 clock hours, or their equivalent, of approved preservice training, or hold the Child Development Associate National Credential that is issued by the Council for Professional Recognition;
- (5) Unless previously approved by the office to direct a child care program serving children younger than 2 years old, have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old; and
- (6) Have completed 1 year of experience working directly with children in a registered child care home, licensed child care center, nursery school, church-operated school, or similar setting.

F. An individual is considered qualified as a director when that individual has:

- (1) Received either:
 - (a) Approval by the Department as a teacher for early childhood education, including nursery school through third grade, and has 6 semester hours in early childhood education; or
 - (b) Certification by the Department or by any other state for early childhood education, including nursery school through third grade; and
- (2) Completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old.

G. A director shall:

- (1) Maintain the professional development plan received from the office;
- (2) According to the professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of service as a director, that consists of a:

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- (a) Minimum of 6 clock hours of core of knowledge training; and
- (b) Maximum of 6 clock hours of elective training; and
- (3) Document completion of the continued training on the professional development plan.

COMAR 13A.18.06.06

.06 Family Child Care Teachers.

A. A family child care teacher in a child care home shall be 19 years old or older.

B. Except as set forth at §C of this regulation, to qualify as a family child care teacher, an individual:

(1) Shall hold or have successfully completed:

(a) A high school diploma, a certificate of high school equivalence, or courses for credit from an accredited college or university;

(b) 9 clock hours of approved pre-service training in communicating with staff, parents, and the public; and

(c) Either:

(i) 6 semester hours or 90 clock hours or their equivalent of approved pre-service training;

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

(iii) Accreditation by the National Association for Family Child Care as a family child care provider; and

(2) Shall have completed at least one of the following:

(a) 1 year of experience working under supervision with children in licensed child care center, nursery school, church-operated school, or similar setting;

(b) 1 year of experience as a registered family child care provider; or

(c) 1 year of college, or a combination of experience and college that together are equivalent to 1 year;

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C. An individual shall qualify as a family child care teacher if the individual:

- (1) Holds an associate's or higher degree with approved courses in early childhood education;
- (2) Qualified before July 1, 2008, as a child care teacher in a licensed child care center and has been continuously employed since that time at the same or another licensed child care center;
- (3) Has been approved as a teacher by the Department for early childhood in nursery school through third grade; or
- (4) Is certified by the Department or by any other state for early childhood in nursery school through third grade.

D. A family child care teacher in a child care home shall:

- (1) According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a child care teacher, that consists of a:
 - (a) Minimum of 6 clock hours of core of knowledge training; and
 - (b) Maximum of 6 clock hours of elective training; and
- (2) Document completion of the continued training on the professional development plan.

E. Before a family child care teacher may supervise a child younger than 2 years old, the individual shall, unless previously qualified by the office to supervise an infant or a toddler:

- (1) Meet the requirements of §§A-B of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old; or
- (2) Be 19 years old or older and:
 - (a) Meet the requirements of §B(1)(a) and (b) and §B(2) of this regulation; and
 - (b) Have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old.

COMAR 13A.18.06.07

.07 Aides.

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A. An aide shall:

- (1) Be 16 years old or older;
- (2) Work under the direct supervision of the provider or the family child care teacher in charge of the group of children to which the aide is assigned;
- (3) According to the individual's professional development plan, complete approved continued training, at the rate of at least 6 clock hours per full year of employment as a child care aide, that consists of a:
 - (a) Minimum of 3 clock hours of core of knowledge training; and
 - (b) Maximum of 3 clock hours of elective training; and
- (4) Document completion of the continued training on the professional development plan.

B. Except as set forth at §C of this regulation, an individual hired to work as an aide shall complete, within 6 months after the date of hire, an orientation session that follows guidelines established by the office and includes, but is not limited to:

- (1) Proper child supervision;
- (2) Workplace professionalism; and
- (3) Interacting with parents.

C. The requirement to complete an orientation session, as set forth at §B of this regulation, does not apply to an individual hired to work as an aide before January 1, 2009.

COMAR 13A.18.06.08

.08 Substitutes.

A. When a staff member is absent, a substitute for that staff member shall be provided as needed to maintain the staff/child ratios required by COMAR 13A.18.08.03.

B. A substitute shall:

- (1) Be 18 years old or older;

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(2) Be familiar with this subtitle;

(3) Complete, sign, and submit to the office the required forms for substitutes, which include permission to examine records of abuse and neglect of children;

(4) If paid, apply for a federal and State criminal background check at a designated law enforcement office in the State; and

(5) Present no risk to the health, safety, or welfare of children.

C. If a substitute is needed for longer than a continuous 2-week period, the provider shall provide a substitute who meets the qualifications required in this chapter for the absent staff member, or demonstrate that reasonable efforts have been made, with no success, to obtain a qualified substitute.

D. If a staff member is absent for more than a continuous 2-week period due to family or medical leave, the provider may receive permission from the office to employ a substitute for that absent staff member who does not meet the education, training, and experience qualifications for the absent staff member's position.

COMAR 13A.18.06.09

.09 Support Personnel.

A. Except as set forth at §B of this regulation, the provider shall provide additional personnel for all duties not involving direct supervision of children, such as personnel for food preparation and service, housekeeping, transportation, clerical, and other duties, if necessary to maintain the correct staff/child ratios at all times.

B. Additional staff need not be provided if children are involved in appropriate activities and supervised at all times while necessary duties, such as food preparation, are performed.

C. A child care home that provides a regular service involving the use of specialized health care procedures or equipment shall use as a consultant in providing the service a registered nurse, nurse practitioner, physician's assistant, physician, or other registered or certified service professional as appropriate.

COMAR 13A.18.06.10

.10 Volunteers.

A. A child care home volunteer shall be under the close supervision of the provider or a staff member whenever the volunteer is in contact with an unrelated child in care at the home.

B. The provider may not use as a volunteer an individual who has been prohibited, or automatically would be prohibited, from employment at the child care home pursuant to Regulation .03A or B of this chapter.

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COMAR T. 13A, Subt. 18, Ch. 06, Administrative History

COMAR T. 13A, Subt. 18, Ch. 07, Refs & Annos

COMAR 13A.18.07.01

.01 Prohibition of Abuse, Neglect, and Injurious Treatment.

A provider, employee, substitute, volunteer, individual residing on the premises of the child care home, or other individual connected with the home may not subject a child to abuse, neglect, mental injury, or injurious treatment.

COMAR 13A.18.07.02

.02 Abuse/Neglect Reporting.

A. A provider, employee, or substitute who has reason to believe that a child has been:

(1) Abused, inside or outside of the child care home, shall report that belief directly to the protective services unit of the local department or to a law enforcement agency, as required under Maryland law; or

(2) Neglected, inside or outside of the child care home, shall report that belief directly to the protective services unit of the local department as required under Maryland law.

B. If a child has been subjected to injurious treatment, it shall be reported to the office.

C. A provider shall:

(1) Instruct the staff to monitor all children daily for signs and symptoms of child abuse and neglect;

(2) Instruct the staff about their legal obligations to report suspected child abuse or neglect directly to the local department or the appropriate law enforcement agency; and

(3) Post, near each telephone in the child care home, the telephone numbers of the Child Protective Services unit of the local department and the appropriate law enforcement agency.

D. A provider may not require an employee or substitute to report through the provider, rather than directly to the local department or a law enforcement agency, when the employee or substitute has reason to believe that a child has been abused or neglected.

COMAR 13A.18.07.03

.03 Child Discipline.

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A. Child discipline shall be:

- (1) Appropriate to the age, maturity, and physical condition of the child; and
- (2) Consistent with the requirements of this chapter.

B. The provider may not:

- (1) Force a child to eat or drink;
- (2) Punish a child for refusing to eat or drink; or
- (3) Withhold food or beverages as punishment.

C. The provider shall:

- (1) Prepare a written child discipline policy that states the:
 - (a) Discipline methods used at the child care home; and
 - (b) The circumstances under which the child discipline methods may be applied;
- (2) Make the child discipline policy available to:
 - (a) The parent of each child in care;
 - (b) A parent who is considering whether to enroll their children; and
 - (c) The office; and
- (3) Ensure that the child discipline policy is followed by each employee, substitute, volunteer, and other individual connected with the child care home.

COMAR 13A.18.07.04

.04 Parental Access.

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A provider shall permit the parent of a child in care to:

- A. Freely observe all areas of the child care home used for child care during operating hours; and
- B. Have access to the parent's child at any time during the child care home's hours of operation, without appointment.

COMAR 13A.18.07.05

.05 Authorized Release.

- A. A provider shall ensure that a staff member releases a child only to the child's parent or to another individual, if directed by the parent, whose identity is verified.
- B. If the parent or identified individual is not available due to death, illness, emergency, or any other cause, or if requested by a Child Protective Services worker, the child may be released to Child Protective Services.

COMAR 13A.18.07.06

.06 Child Security.

- A. The provider shall ensure the safety and security of each child at all times.
- B. Whenever an area of the child care home is being used for a child care activity and children are present, the provider may not permit the area to be used at the same time for any other purpose without prior approval of the office.
- C. Unless an employee or staff member has successfully passed federal and State criminal background checks and a review of child abuse and neglect records, the individual may not be alone with an unrelated child in care.
- D. An employee or staff member who has successfully passed federal and State criminal background checks and a review of child abuse and neglect records, shall:

(1) Accompany a child whenever the child is in the presence of another individual, unless the individual is:

(a) Another child in care;

(b) A health service consultant used by the facility provider pursuant to COMAR 13A.18.06.09C;

(c) The child's parent, guardian, or other individual to whom the child may be released pursuant to Regulation .05 of this chapter;

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(d) An individual who is authorized by the child's parent or guardian, and whose identity is verified, to provide a health care, academic, or other service to the child; or

(e) During an off-site activity, another child's parent or guardian, who is designated in writing by the provider to assist in transporting children to or from the child care home; and

(2) Unless documentation is on file at the child care home that an independent contractor performing a service at the child care home has successfully passed federal and State criminal background checks and a review of child abuse and neglect records, remain within sight and sound of the contractor whenever the contractor is in an area where children are present.

E. Activity Not Conducted by a Staff Member.

(1) An activity involving the participation of children that is not conducted or led by a staff member is not permitted unless an appropriately qualified staff member is present throughout the activity to supervise the children.

(2) A child may not participate in the activity unless the provider has received prior written permission from the child's parent or guardian for the child's participation.

COMAR T. 13A, Subt. 18, Ch. 07, Administrative History

COMAR T. 13A, Subt. 18, Ch. 08, Refs & Annos

COMAR 13A.18.08.01

.01 Individualized Attention and Care.

A provider shall ensure that:

A. Each child receives:

(1) Attention to the child's individual needs; and

(2) Adequate supervision and care at all times which is:

(a) Provided only by individuals who are designated by the provider to provide supervision and care; and

(b) Appropriate to the individual age, needs, and capabilities of the child;

B. Each staff member providing care to a child is:

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(1) Oriented to the child's individual care needs; and

(2) Prepared to provide the appropriate individual care;

C. Written information about the child's individual needs that was supplied by the parent by the time of the child's admission to care is used to meet the child's individual care needs;

D. A child is under close and continuous supervision whenever using potentially dangerous activity materials or equipment such as scissors, sharp tools, or knives; and

E. A child is allowed to travel to or from school or a school transportation site without adult supervision only if:

(1) The child is in the first or a higher grade; and

(2) The child's parent and the provider agree in writing that the child can travel safely without adult supervision.

COMAR 13A.18.08.02

.02 Supervision by Qualified Staff.

A. At all times while in care, each child shall be assigned to a group of children that is supervised by a family child care teacher who meets the requirements of COMAR 13A.18.06.06.

B. The provider shall assign qualified child care teachers to each group of children as needed to meet the requirements for group size and staffing set forth at Regulation .03 of this chapter.

C. A child younger than 2 years old may be handled or fed only by an individual designated to do so by the provider

D. Staff Availability.

(1) In case of a temporary absence from the child care home of the provider or, if applicable, the director:

(a) The provider shall designate a family child care teacher to be present and in charge of the child care home; or

(b) If a family child care teacher is not available, the provider shall direct the provider's substitute to be present and in charge of the child care home.

(2) If the only children in attendance are 2 years old or older and only one staff member is needed to meet staff/child ratio requirements, the provider shall have a written, signed, and dated agreement from an adult who

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has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records and is willing and able to be at the child care home within 15 minutes of notification.

COMAR 13A.18.08.03

.03 Group Size and Staffing.

A. Assignment of Staff. One or more family child care teachers shall be assigned to each group of children as needed to meet the requirements for group size and staffing set forth at §§C-G of this regulation.

B. Age of a Child. For purposes of determining group size and staff required under this chapter, the age of a child is determined solely according to the date of the child's most recent birthday.

C. Same-Age Groups. In a group of children of the same age, the following staff/child ratio and maximum group size requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 10	20
5 years old and older	1 to 15	30

D. Groups of Children Younger than 2 Years Old. In a group of children where each child is younger than 2 years old, the following staff/child ratio and maximum group size requirements apply:

Group Composition	Group Size	Minimum Staffing Level
Group includes one to three 2 year old children	7 to 10	1 staff member
Group includes four or more 2 year old children	7 to 10	2 staff members
Group includes one to three 2 year old children	13 to 20	2 staff members
Group includes four to six 2 year old children	13 to 20	3 staff members

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E. Mixed-Age Groups with Children Younger than 2 Years Old. In a group where children younger than 2 years old are mixed with children 2 years old or older, the following minimum staffing levels and maximum group size requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
Infants (6 weeks old to 18 months old)	1 to 3	6
Toddlers (18 months old to 2 years old)	1 to 3	9
Infants and toddlers, with 1 to 2 infants in the group	1 to 3	9
Infants and toddlers, with 3 or more infants in the group	1 to 3	6

F. Mixed-Age Groups with Children 2 Years Old or Older.

(1) In a mixed age group with children who are 3 years old or older, the staff to child ratio is 1 to 10.

(2) In mixed-age groups of varying sizes that include children who are 2 years old, the following minimum staffing levels apply:

Group Composition	Minimum Staffing Level	Maximum Group Size
Group includes 1 or 2 infants	2 staff members	9
Group includes 3 or more infants	2 staff members	6
Group includes 1 or 2 toddlers	2 staff members	12
Group includes 3 toddlers	2 staff members	9
Group includes 4 or more toddlers	3 staff members	9
Group includes no infants, 1 or 2 toddlers, and 6 or more 2 year olds	3 staff members	12

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G. Group Size and Staffing in Approved Educational Programs.

(1) During a school day approved by the Department, a teacher shall be assigned to each class and the following requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 years old or older	1 to 12	12

(2) A nursery school may not exceed a staff/child ratio or group size requirement set forth at §G(1) of this regulation, except that a Montessori school that has been approved by the Department may exceed a staff/child ratio or group size requirement by no more than 1/3.

(3) When children who are 2 years old, 3 years old, 4 years old, and 5 years old are grouped together, the average age of all the children in the group as of September 1 of that school year is used to determine the group's maximum size and staff/child ratio.

COMAR 13A.18.08.04

.04 Variations in Group Size.

Group sizes for all ages may vary during outdoor play and special activities such as field trips and assemblies, only if the provider maintains the staff/child ratios required by this chapter.

COMAR 13A.18.08.05

.05 Supervision During Water Activities.

A. A provider shall have prior written approval from a child's parent for the child's participation in a water activity.

B. If a wading or swimming area is 4 feet or less in depth, each child engaged in a water activity shall receive continuous supervision by a staff member.

C. If the water exceeds 4 feet in depth, there shall be a lifeguard present who:

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(1) Holds a current certificate of approval for lifeguarding from the American Red Cross, YMCA, or other organization acceptable to the office or the local health department;

(2) Is present at waterside during the swimming activity; and

(3) Is not included in the required staff/child ratio.

D. Except during a swimming lesson conducted by a certified water safety organization, such as the American Red Cross, that is acceptable to the office or the local health department, whenever water is over the chest of a child who cannot swim, the child shall receive one-to-one supervision by a staff member who is in the water with the child.

COMAR 13A.18.08.06

.06 Supervision During Transportation.

When child transportation is conducted to or from:

A. The child care home by the provider, there shall be at least one adult other than the driver present in the vehicle if:

(1) More than eight preschoolers are being transported as a group; or

(2) At least one child is being transported and the driver of the vehicle is not:

(a) A child care home employee; or

(b) The parent of a child in care who is authorized by the provider to assist in transporting children in care; or

B. An off-site activity by an independent contractor and at least one child in care is being transported, the provider shall ensure that there is at least one adult other than the driver present in the vehicle.

COMAR 13A.18.08.07

.07 Playground Supervision.

When a group of children is engaged in a playground or outdoor activity, staff members assigned to the group shall:

A. Station themselves among the children so that immediate intervention can occur if necessary; and

B. If a child expresses or shows signs of discomfort due to over-activity, temperature or weather conditions, or other

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physical or environmental factors, take immediate and appropriate steps to alleviate the discomfort.

COMAR 13A.18.08.08

.08 Rest Time Supervision.

A. During a rest period for a group of children who are younger than 2 years old:

- (1) The required staff/child ratio applicable to that group shall be maintained; and
- (2) Each staff member assigned to the group shall remain with the children.

B. During a rest period for a group of children who are 2 years old or older:

- (1) The required staff/child ratio applicable to that group shall be maintained until all the children are resting quietly; and
- (2) Once all the children in the group are resting quietly:
 - (a) At least one child care teacher or aide assigned to the group shall continue to remain in the room with the children; and
 - (b) Other staff members, if any, assigned to the group may leave the room but shall remain on the premises and within hearing range.

C. To determine if a resting child is safe, breathing normally, and in no physical distress:

- (1) Each resting child shall be observed at intervals appropriate to the child's age and individual needs; and
- (2) A resting child younger than 12 months old shall be observed at least every 15 minutes.

COMAR T. 13A, Subt. 18, Ch. 08, Administrative History

COMAR T. 13A, Subt. 18, Ch. 09, Refs & Annos

COMAR 13A.18.09.01

.01 Schedule of Daily Activities for All Children.

A. The provider shall prepare, post, and follow a written schedule of daily activities and offer activities that:

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(1) Promote the sound emotional, social, intellectual, and physical growth of each child;

(2) Are appropriate to the age, needs, and capabilities of the individual child;

(3) Include opportunities for individual and group participation;

(4) Include a balance between self-selected and staff-directed activities;

(5) Include a balance between active and quiet periods;

(6) Include periods of rest appropriate to the age, needs, and activities of the child; and

(7) Include outdoor play in the morning and afternoon except that outdoor play need not be included:

(a) When the weather is inclement; or

(b) In a before-school program.

B. A before-school and after-school program schedule of activities shall take into consideration that the child has attended an instructional program during regular school hours.

COMAR 13A.18.09.02

.02 Activity Plans for Infants and Toddlers.

A. A provider shall assign one staff member primary responsibility for each infant and toddler in care during each staff shift.

B. Upon enrollment of an infant or a toddler, the provider shall, in consultation with the parent of the child, prepare a written individualized activity plan for the child that:

(1) Addresses the child's normal pattern of activities, sleeping, and eating;

(2) Is consistent with the child's needs and capabilities;

(3) Identifies the staff member who is assigned primary responsibility for the care of the child during each staff shift;

(4) Ensures that the child is:

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(a) Held, played with, and talked to;

(b) Except when sleeping, given opportunities to sit, crawl, toddle, or walk outside the infant's crib or playpen;

(c) Except in inclement weather, taken outdoors daily; and

(d) Diapered as needed and in accordance with the approved diapering procedure.

C. For an infant or a toddler, the written activity plan required at the time of the child's admission to care shall be:

(1) Available for reference in the space used by the child's group;

(2) Implemented by each staff member having responsibility for care of the child;

(3) Modified in consultation with the child's parent as necessitated by the child's developmental needs; and

(4) Reevaluated at least every 3 months.

COMAR 13A.18.09.03

.03 Activity Materials, Equipment, and Furnishings.

A. For indoor and outdoor activities, a provider shall provide to each group of children in care a sufficient quantity and variety of activity materials, equipment, and furnishings according to the numbers, ages, and developmental needs of the children.

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B. Activity materials and equipment shall be:

(1) Provided for:

(a) Vigorous play;

(b) Creative and dramatic play;

(c) Socialization;

(d) Manipulation, including construction materials;

(e) Exploration of art, music, language arts, and science; and

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- (f) Individual pursuits;
- (2) Appropriate to each child's individual development of cognitive, social, emotional, and fine and gross motor skills;
- (3) Easily accessible to each child for whose use they are intended;
- (4) In good repair, clean, nontoxic, and free from hazards including lead paint; and
- (5) Culturally sensitive and representative of the children in care.

C. In reviewing materials and equipment in before-school and after-school programs, the office shall take into consideration that the child has attended an instructional program during regular school hours.

D. Furnishings used by a child in care:

- (1) May include furniture and other furnishings used by residents in the child care home; and
- (2) Shall be scaled in proportion to the child's size.

COMAR 13A.18.09.04

.04 Rest Furnishings.

A. There shall be:

- (1) A suitable cot or mat for each child 12 months old to 5 years old present in the child care home for more than 4 hours, and for children 5 years old or older who regularly take rest periods in the child care home;
- (2) A suitable bed for each child who is 12 months old or older and who is present in the child care home during those hours which are usual nighttime sleep hours for that child;
- (3) An adequate supply of clean bedding provided for each child who takes rest periods at the child care home; and
- (4) A crib, portable crib, or playpen with a snugly fitting mattress, moisture-proof mattress covering, and tight fitting sheet for each child in the child care home who is:
 - (a) Younger than 12 months old; or

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(b) 12 months old or older but younger than 2 years old, if the child's parent requests a crib, portable crib, or playpen.

B. When in use, all cots, mats, and beds shall be appropriately spaced to facilitate safe movement and evacuation of staff and children.

C. Each crib, portable crib, and playpen shall meet the standards of the U.S. Consumer Product Safety Commission.

D. Stackable cribs may not be used.

E. Each crib, portable crib, and playpen in use shall be placed so that:

(1) It presents at least one long side without a wall, plexiglass panel, or other solid barrier; and

(2) There is a space of at least 3 feet if placed side-to-side and 18 inches if placed end-to-end between two adjacent cribs, portable cribs, or playpens that are not separated by a solid barrier.

F. Soft bedding items, including but not limited to pillows, quilts, comforters, and crib bumpers, may not be used as rest furnishings for a child using a crib, portable crib, or playpen.

COMAR 13A.18.09.05

.05 Equipment for Infants and Toddlers.

A. A sufficient number of strollers or carriages with appropriate restraints shall be available to accommodate all nonwalking infants and toddlers who are present in care.

B. The use of walkers is prohibited.

C. The child care home shall have furnishings that allow the safe and easy feeding of infants and toddlers, including but not limited to high chairs, child-sized tables and chairs, and chairs for staff members to use while holding infants for feeding.

D. If high chairs are used, each high chair shall be equipped with age-appropriate restraints.

COMAR 13A.18.09.06

.06 Storage.

There shall be appropriate storage for:

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- A. Materials and equipment;
- B. Mats, cots, beds, and bedding;
- C. Portable equipment intended for outdoor use;
- D. Each child's clothing and possessions in an individual space; and
- E. Materials, equipment, furnishings, and supplies being held in reserve.

COMAR T. 13A, Subt. 18, Ch. 09, Administrative History