

Maryland Regulations Currentness _Title 13A State Board of Education_Subtitle 16 Child Care Centers_
Chapter 06 Staff Requirements

COMAR T. 13A, Subt. 16, Ch. 06, Refs & Annos

COMAR 13A.16.06.01

.01 Minimum Staff Age.

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

COMAR 13A.16.06.02

.02 Staff Orientation.

On or before assignment, an operator shall ensure and document that each employee and 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 evacuation procedures;
- D. Identity of the staff members who have first aid and CPR training;
- E. Identity of the staff members and other adults who are required to be available to provide emergency coverage pursuant to COMAR 13A.16.08.02D(3);
- F. Handwashing procedures;
- G. The center'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
- J. The content of the most current regulations in this subtitle.

COMAR 13A.16.06.03

.03 Suitability for Employment.

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

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A. A child care center operator may not employ an individual who, as reported on or after October 1, 2005, 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.

B. If, as reported on or after October 1, 2005, 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:

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- (1) Shall assess, on the basis of the following factors, the individual's suitability for employment:
 - (a) The job position at the center 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 center operator, or any agency or entity cited by the individual or the operator 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 center operator may not permit the individual to begin or to resume employment until the office has notified the operator that the individual may be employed.

D. Notification of Employment Prohibition.

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(1) If the office, pursuant to this chapter, determines that an individual may not be employed at a center, the office shall notify the individual and the center operator 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 center operator:

(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 facility except to exercise parental responsibilities with respect to a related child in care.

F. An operator 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-.12, as applicable, of this chapter, unless the individual is a substitute functioning in accordance with Regulation .13 of this chapter.

COMAR 13A.16.06.04

.04 Staff Health.

A. Medical Evaluation.

(1) An operator 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 center, from each prospective:

(a) Staff member; and

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(b) Except for a health care professional serving as a consultant pursuant to Regulation .14C of this chapter, support staff who will be present at the center while children are in care.

(2) The medical evaluation may transfer directly from one center to another when there has been no gap in employment longer than 3 months.

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

COMAR 13A.16.06.05

.05 Directors of All Child Care Centers -General Requirements.

A. Except when engaged in occasional center-related activities or away on leave, a director shall be present in a center during at least 1/2 of the operating hours of the center 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.

B. To qualify as a director of a center, an individual shall:

(1) Be at least 21 years old;

(2) Hold a high school diploma or a certificate of high school equivalence, or have successfully completed at least two courses for credit 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; and

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(5) Within 6 months after date of hire, complete a regulation training to the requirements of this subtitle that is conducted by the office, if hired on or after January 1, 2009.

C. A director 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 director, 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.

COMAR 13A.16.06.06

.06 Directors of Preschool Centers -Specific Requirements.

A. In a preschool center with infants or toddlers in care, a director, in addition to meeting the requirements of §§B-D of this regulation, as applicable, shall have 3 semester hours of approved training or the equivalent related exclusively to the care of infants and toddlers.

B. In a preschool center with 20 or fewer children, a director shall have completed 1 year of experience:

(1) Working primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or

(2) Caring for preschoolers as a registered family child care provider.

C. In a preschool center with 21 to 40 children, a director shall have completed:

(1) Either:

(a) 30 semester hours of college coursework that has not less than 20 semester hours specifically in early childhood education; or

(b) 60 semester hours from an accredited institution of higher learning; and

(2) 2 years of experience:

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(a) Working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or

(b) Caring for preschoolers as a registered family child care provider.

D. In a preschool center with more than 40 children, a director shall have:

(1) Attained:

(a) An associate's degree with a minimum of 15 semester hours of approved course work in early childhood education; or

(b) A bachelor's degree in any field; and

(2) Completed 2 years of experience:

(a) Working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or

(b) Caring for preschoolers as a registered family child care provider.

E. An individual is considered qualified as a director of any size preschool center when that individual:

(1) Has completed 1 year of experience:

(a) Working primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or

(b) Caring for preschoolers as a registered family child care provider; and

(2) Has 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.

F. If, as of July 1, 2008, an individual was currently employed at a preschool center for 20 or fewer, 21 to 40, or more than 40 children and qualified as the director of that center, the individual continues to be qualified as the director if continuously employed at the same or another center with the same or greater capacity limitations.

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COMAR 13A.16.06.07

.07 Directors of School Age Centers -Specific Requirements.

A. In a school age center with a capacity of 60 or fewer children, the director shall have completed at least:

(1) 400 hours of experience working under supervision primarily with school age children in a licensed child care center, public or private school, or a similar setting; or

(2) 1 year of experience caring for school age children as a registered family child care provider.

B. In a school age center with a capacity of 61 or more children, the director shall have completed at least:

(1) 800 hours of experience working under supervision primarily with school age children in a licensed child care center, public or private school, or similar setting; or

(2) 2 years of experience caring for school age children as a registered family child care provider.

C. An individual is considered qualified as a director of a school age center if the individual is certified for kindergarten, nursery school through third grade, or grades 1 through 8 by the Department or by the state board of any other state.

D. If, as of July 1, 2008, an individual was currently employed at a center serving only school age children and qualified as the director of that center, the individual continues to be qualified as the director if continuously employed at the same or at another school age center.

COMAR 13A.16.06.08

.08 Specific Requirements for Directors in Combined Preschool and School Age Centers.

A. A preschool center director may have responsibility for the entire center if the center enrolls both preschoolers and school age children.

B. A school age center director may have responsibility for the entire center if the center:

(1) Does not enroll any infants or toddlers; and

(2) Enrolls five or fewer children younger than kindergarten age.

C. If a school age center enrolls any infants or toddlers or more than five children younger than kindergarten age, the

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operator shall provide a director who meets the requirements, based on the total capacity of the center, for both a preschool center director and a school age center director.

COMAR 13A.16.06.09

.09 Child Care Teachers in Preschool Centers.

A. To qualify as a child care teacher in a preschool center, an individual shall be 19 years old or older, and meet one of the following criteria:

(1) The individual holds or has successfully completed:

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

(b) 6 semester hours or 90 clock hours or their equivalent of approved pre-service training, or hold the Child Development Associate Credential issued by the Child Development Associate National Credentialing Program;

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

(d) At least one of the following:

(i) 1 year of experience working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting, or as a registered family child care provider caring for preschoolers; or

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

(2) The individual holds an associate's or higher degree with approved courses in early childhood education;

(3) The individual qualified before July 1, 2008, as a child care teacher in a preschool center and has been continuously employed since that time at the same or another preschool center; or

(4) The individual:

(a) Has been approved as a teacher by the Department for early childhood in nursery school through third grade; or

(b) Is certified by the Department or by any other state for early childhood in nursery school through third grade.

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B. A child care teacher in a preschool center 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.

C. Unless qualified by the office before July 1, 2008, to supervise a group of infants or toddlers, a child care teacher wishing to supervise a group of infants or toddlers shall:

(1) Meet the requirements of §A of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; or

(2) Be 19 years old or older and:

(a) Meet the requirements of §A(1)(a), (c), and (d) of this regulation; and

(b) Have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers.

COMAR 13A.16.06.10

.10 Child Care Teachers in School Age Centers.

A. To qualify as a child care teacher in a school age center, an individual shall:

(1) Be 19 years old or older;

(2) Hold a high school diploma or a certificate of high school equivalence or have successfully completed courses for credit from an accredited college or university; and

(3) Meet the one of the criteria set forth in §B of this regulation.

B. The individual shall meet one of the following:

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(1) The individual has successfully completed:

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

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

(c) One of the following:

(i) 400 hours of experience working under supervision primarily with school age children in a licensed child care center, public or private school, or similar setting, or 400 hours of experience caring for school age children as a registered family child care provider;

(ii) 1 year of college; or

(iii) A combination of experience and college that together are equivalent to 1 year;

(2) The individual qualified before July 1, 2008, as a child care teacher in a school age center and has been continuously employed since that time as a child care teacher at the same or another school age center; or

(3) The individual:

(a) Has been approved as a teacher by the State Department of Education under COMAR 13A.09.09 for kindergarten or grades 1 through 8; or

(b) Is certified by the Department or by the state board of any other state for kindergarten or grades 1 through 8.

C. A child care teacher in a school age center 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.

COMAR 13A.16.06.11

.11 Assistant Child Care Teacher.

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A. To qualify as an assistant child care teacher in a school age center, an individual shall:

- (1) Be 18 years old or older;
- (2) Hold a high school diploma or a certificate of high school equivalence, or have successfully completed courses for credit from an accredited college or university;
- (3) Have completed 9 clock hours of approved pre-service training in communicating with staff, parents, and the public; and
- (4) Have at least one of the following:
 - (a) 800 hours of recent paid or documented volunteer experience supervising groups of school-age children in educational, recreational, social, or guidance contexts;
 - (b) 600 hours of approved experience and 15 clock hours of approved college coursework; or
 - (c) 400 hours of approved experience and 3 semester hours or 45 clock hours, or their equivalent, of approved college coursework.

B. An individual may substitute completion of 1 full year of undergraduate education at an accredited college or university for up to 400 hours of approved experience.

C. An assistant child care teacher in a school age center shall:

- (1) 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 an assistant child care teacher, 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
- (2) Document completion of the continued training on the professional development plan.

D. An assistant child care teacher may lead the activities of a group of school-age children if:

- (1) The director, a child care teacher, or an approved director or child care teacher substitute is available to render immediate assistance to the assistant child care teacher; and

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(2) The staff/child ratio required by this chapter is maintained at all times.

E. An individual who qualified before July 1, 2008, as an assistant child care teacher in a school age center and has been continuously employed since that time as an assistant child care teacher at the same or another school age center meets the requirements of this regulation.

COMAR 13A.16.06.12

.12 Aides.

A. An aide shall:

(1) Be 16 years old or older;

(2) Work under the direct supervision of the staff person in charge of the group of children to whom 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. An individual hired on or after January 1, 2009, 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.

COMAR 13A.16.06.13

.13 Substitutes.

A. A substitute shall be 18 years old or older, except that a substitute aide may be 16 years old or older.

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B. When a staff member is absent, the operator shall provide a substitute as needed to maintain the staff/child ratios required by COMAR 13A.16.08.03.

C. If a substitute is needed for longer than a continuous 2-week period, the operator 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 operator 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.16.06.14

.14 Support Personnel.

A. The operator or the director 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. In a small center, the operator need not provide additional staff if children are involved in appropriate activities and supervised at all times while necessary duties, such as food preparation, are performed.

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

COMAR 13A.16.06.15

.15 Volunteers.

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

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

COMAR T. 13A, Subt. 16, Ch. 06, Administrative History

COMAR T. 13A, Subt. 16, Ch. 07, Refs & Annos

COMAR 13A.16.07.01

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

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An operator, employee, substitute, volunteer, individual residing on the premises of the center, or other individual connected with the center may not subject a child to abuse, neglect, mental injury, or injurious treatment.

COMAR 13A.16.07.02

.02 Abuse/Neglect Reporting.

A. An operator or employee who has reason to believe that a child has been:

(1) Abused, in the center or outside of the center, 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;

(2) Neglected, in the center or outside of the center, 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. An operator shall:

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

(2) Instruct 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 facility, the telephone numbers of the Child Protective Services unit of the local department and the appropriate law enforcement agency.

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

COMAR 13A.16.07.03

.03 Child Discipline.

A. Child discipline shall be:

(1) Appropriate to the age, maturity, and physical condition of the child; and

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(2) Consistent with the requirements of this chapter.

B. The operator 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 operator shall:

(1) Prepare a written child discipline policy that states the:

(a) Discipline methods used at the center; 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, volunteer, and other individual connected with the center.

COMAR 13A.16.07.04

.04 Parental Access.

An operator shall permit the parent of a child in care to:

A. Freely observe all areas of the center used for child care during operating hours; and

B. Have access to the parent's child at any time during the center's hours of operation, without appointment.

COMAR 13A.16.07.05

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.05 Authorized Release.

An operator shall ensure that a staff member release a child only to the child's parent or to another individual, if directed by the parent, whose identity is verified. 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.16.07.06

.06 Child Security.

- A. The operator shall ensure the safety and security of each child at all times.
- B. Whenever an area of the center is being used for a child care activity and children are present, the operator 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, if hired on or after October 1, 2005, 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, if hired on or after October 1, 2005, 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 operator pursuant to COMAR 13A.16.06.14C;
 - (c) The child's parent, guardian, or other individual to whom the child may be released pursuant to Regulation .05 of this chapter;
 - (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;
 - (e) During an off-site activity, another child's parent or guardian, who is designated in writing by the facility operator to assist in transporting children to or from the center; or
 - (f) If the center is located at a school, an individual who for compensation is employed to work at the school; and

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(2) Unless documentation is on file at the center that an independent contractor performing a service at the center 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:

(a) An appropriately qualified staff member is present throughout the activity to supervise the children; or

(b) The center is located on the premises of a school and the activity is conducted under school auspices by an individual who for compensation is employed to work at the school.

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

COMAR T. 13A, Subt. 16, Ch. 07, Administrative History

COMAR T. 13A, Subt. 16, Ch. 08, Refs & Annos

COMAR 13A.16.08.01

.01 Individualized Attention and Care.

An operator 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 operator 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:

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

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(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 by the operator 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 operator agree in writing that the child can travel safely without adult supervision.

COMAR 13A.16.08.02

.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 child care teacher who meets the requirements of COMAR 13A.16.06.09 or .10, depending on the age composition of the group.

B. The operator 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. An infant or toddler may be handled or fed only by an individual designated to do so by the center operator.

D. Staff Availability.

(1) An operator shall designate a child care teacher to be present and in charge of the center in case of the director's temporary absence from the center.

(2) If a preschool child care teacher or a school age child care teacher, as applicable, is not available for assignment to a group of children, the center director may supervise the group until a child care teacher becomes available for assignment.

(3) If the only children in attendance at the center are:

(a) Younger than 2 years old and only one staff member is needed to meet staff/child ratio requirements, the

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operator shall ensure that an additional staff member or another adult, who has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records, is available in the center; or

(b) 2 years old or older and only one staff member is needed to meet staff/child ratio requirements, the operator shall have a written, signed, and dated agreement from an adult who 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 center within 15 minutes of notification.

COMAR 13A.16.08.03

.03 Group Size and Staffing.

A. Assignment of Staff. One or more 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. Mixed-Age Groups.

(1) A mixed age group with preschool children may not exceed 20 children.

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

(3) A maximum of six 2-year-olds may be in a mixed age group of 13 to 20 children.

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

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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

E. Infant/Toddler Groups. In a group of children where each child is an infant or a toddler, the following staff/child ratio 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 Infant/Toddler Groups. In a group where infants and toddlers are mixed with preschoolers, the following minimum staffing levels and maximum group size requirements 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

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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

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 Age Group	Staff/ Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 12	24
5 years old or older	1 to 15	30

(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.16.08.04

.04 Variations in Group Size.

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

B. Groups containing only school age children may be of any size, pursuant to a plan approved by the office, if the staff/child ratios required by this chapter are maintained.

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COMAR 13A.16.08.05

.05 Supervision During Water Activities.

A. An operator 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:

(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.16.08.06

.06 Supervision During Transportation.

When child transportation is conducted to or from:

A. The center by the center operator, 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 center employee; or

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

B. An off-site activity by an independent contractor or a local school district and at least one child in care is being

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transported, the center operator shall ensure that there is at least one adult other than the driver present in the vehicle.

COMAR 13A.16.08.07

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

COMAR 13A.16.08.08

.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.

COMAR T. 13A, Subt. 16, Ch. 08, Administrative History

COMAR T. 13A, Subt. 16, Ch. 09, Refs & Annos

COMAR 13A.16.09.01

.01 Schedule of Daily Activities for All Children.

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

(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.16.09.02

.02 Activity Plans for Infants and Toddlers.

A. An operator shall assign one staff member primary responsibility for each infant or toddler in care during each staff shift.

B. Upon enrollment of an infant or toddler, the operator shall arrange for the director or senior staff, in consultation with the parent of the child, to 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;

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(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:

(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 toddler, the written activity plan required at the time of the child's admission to care shall be:

(1) Posted 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.16.09.03

.03 Activity Materials, Equipment, and Furnishings.

A. For indoor and outdoor activities, an operator 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.

B. Activity materials and equipment shall be:

(1) Provided for:

(a) Vigorous play;

(b) Creative and dramatic play;

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- (c) Socialization;
 - (d) Manipulation, including construction materials;
 - (e) Exploration of art, music, language arts, and science; and
 - (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; and
 - (4) In good repair, clean, nontoxic, and free from hazards including lead paint.

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 shall be scaled in proportion to the child's size.

E. The operator shall provide multipurpose tables and chairs for children who are 2 years old or older.

COMAR 13A.16.09.04

.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 center for more than 4 hours, and for children 5 years old or older who regularly take rest periods in the center;
- (2) A suitable bed for each child who is 12 months old or older and who is present in the center 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 center; and
- (4) A crib with a snugly fitting mattress, moisture-proof mattress covering, and tight fitting sheet for each child in the center who is:
 - (a) Younger than 12 months old; or

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(b) An infant 12 months old or older or a toddler, if the child's parent requests a crib.

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 shall meet the standards of the U.S. Consumer Product Safety Commission.

D. Stackable cribs may not be used.

E. Each crib in use shall be placed so that:

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

(2) Unless separated from an adjacent crib by a solid barrier, it does not rest against the other crib; and

(3) 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 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.

COMAR 13A.16.09.05

.05 Infant-Toddler Equipment.

A. A sufficient number of strollers or carriages with appropriate restraints shall be available to accommodate all non-walking infants present in care.

B. The use of walkers is prohibited.

C. The center shall have furnishings that allow the safe and easy feeding of children younger than 2 years old, including but not limited to high chairs, toddler tables, 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.16.09.06

.06 Storage.

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There shall be appropriate storage for:

- 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. 16, Ch. 09, Administrative History

COMAR T. 13A, Subt. 16, Ch. 10, Refs & Annos

COMAR 13A.16.10.01

.01 Emergency Safety Requirements.

A. Emergency and Disaster Plan.

(1) At least one center employee 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 center.

(2) The operator 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 center, 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;

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(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

(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 center.

(5) Each employee 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 operator 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 center and determine the presence of each child currently in attendance.

B. If the child care center is included within a comprehensive emergency and disaster plan, the center operator 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

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

C. An operator shall post, immediately accessible to each telephone in the center, a notice stating the:

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

(2) Center'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;

(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.16.08.02D(3); and

(7) Telephone number of the office.

COMAR 13A.16.10.02

.02 First Aid and CPR.

A. At all times, including during an off-site activity, at least one child care teacher or the director 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 center 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 center is approved.

B. A center with an approved capacity of more than 20 children shall have in attendance, in a ratio of at least one staff member for every 20 children present, staff members who are 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 center auspices to or from the center, 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. §C of this regulation does not apply if the driver of the vehicle is a parent of a child in care who is designated by

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the center operator to assist in transporting children in care.

E. An operator shall maintain first aid supplies as required by the office, conveniently accessible for each group of children at the center and at an off-site activity.

COMAR 13A.16.10.03

.03 Safe Use of Materials and Equipment.

The operator 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 employee and each child in attendance; and

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

COMAR 13A.16.10.04

.04 Potentially Hazardous Items.

A. An operator 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.

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F. Each electrical socket that is accessible to children in care shall be plugged or capped as required by the applicable fire code.

G. Except in a small center located in a residence, a firearm may not be kept on the premises.

H. In a small center located in a residence where a firearm is maintained, 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.

I. 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.16.10.05

.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.16.10.06

.06 Transportation.

A. Unless being transported in a licensed 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.

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

COMAR T. 13A, Subt. 16, Ch. 10, Administrative History

COMAR T. 13A, Subt. 16, Ch. 11, Refs & Annos

COMAR 13A.16.11.01

.01 Exclusion for Acute Illness.

A. Child care staff shall:

(1) Monitor a child 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. Except in centers for children with acute illness, an operator 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.16.11.02

.02 Infectious and Communicable Diseases.

A. An operator 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. Except in centers for children with acute illness, an operator 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.16.11.03

.03 Preventing Spread of Disease.

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A. A written handwashing 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 a center employee, volunteer, or child in care at least:

(1) After toileting or diapering;

(2) Before food preparation or eating; and

(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.16.11.04

.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 center 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;

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- (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.

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 licensed 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 employee designated by the operator to administer medication.

F. Effective July 1, 2011:

- (1) Whenever children in care are present, there shall be at least one center employee present who has

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completed medication administration training approved by the office.

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

G. Section F of this regulation does not apply if:

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

(2) Responsibility for administering medication to children in care is delegated to a center employee 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, the operator 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) An operator 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 operator shall notify the child's parent of that revocation.

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

COMAR 13A.16.11.05

.05 Smoking.

A. Except as specified in §B of this regulation, smoking is prohibited.

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(1) At all times in any indoor area of a child care center; and

(2) During the center's hours of operation, in any outdoor area of the center which is approved for child care use.

B. In a small center located in a private residence, smoking is prohibited during the center's hours of operation in any indoor or outdoor area approved for child care use.

COMAR 13A.16.11.06

.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of illegal or nonprescribed controlled dangerous substances:

A. On the center premises during the center's hours of operation; or

B. By an employee or a volunteer during an off-site program activity.

COMAR T. 13A, Subt. 16, Ch. 11, Administrative History

COMAR T. 13A, Subt. 16, Ch. 12, Refs & Annos

COMAR 13A.16.12.01

.01 Food Service.

A. Food and beverages which are furnished by an operator for meals or snacks, or both, 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.

B. Hours of Operation. If a center operates:

(1) 4 or more consecutive hours a day, the operator shall furnish either:

(a) All meals and snacks; or

(b) Snacks; or

(2) Less than 4 consecutive hours a day, the operator shall either:

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(a) Furnish food and beverages for meals or snacks, or both; or

(b) Make arrangements with the parent of a child to provide food and beverages for meals or snacks, or both.

C. The operator shall furnish and serve milk with all meals.

D. Except during approved hours of overnight care, an operator shall serve meals and snacks at intervals of not more than 3 hours according to the following schedule:

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

E. If an operator chooses not to provide meals, the operator shall make arrangements with the parent of each child to provide food for meals.

F. An operator 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. Menus. An operator shall:

(1) Post in a conspicuous place a weekly planned menu of foods and beverages furnished by the center for meals and snacks; and

(2) Keep a dated record of food actually served in the center, and to each child on a modified diet, on file for at least 4 weeks, correcting the planned menu if necessary.

COMAR 13A.16.12.02

.02 Modified Diet.

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

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

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

COMAR 13A.16.12.03

.03 Food Sources.

A. An operator shall furnish food at the center 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. If an operator contracts to have food furnished from an outside source, such as a catering service, the operator shall ensure that the food:

(1) Has been prepared and processed in a licensed food service facility or in a licensed food processing plant; or

(2) Consists of a snack or party food which is not potentially hazardous and does not present a significant risk of transmitting food-borne disease.

C. An operator may not provide to the children home-canned goods or any other hermetically sealed food prepared in a place other than a licensed food processing establishment.

D. An operator:

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

(a) Pasteurized Grade A;

(b) Except as provided by §D(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.16.12.04

.04 Food Storage and Preparation.

A. An operator 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 home and all food held in reserve for service by the operator.

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) At least 6 inches off the floor to facilitate cleaning.

D. In a small center, food may be stored:

(1) Separately from family food; or

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

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

(1) Easily cleanable;

(2) Nontoxic;

(3) Nonabsorbent;

(4) Tightly closed; and

(5) Clearly labeled as to its contents.

F. The operator:

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(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 operator 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

(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

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original container, a pitcher or similar container, or a drinking vessel.

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

COMAR 13A.16.12.05

.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. Centers operating more than 4 consecutive hours shall provide refrigeration.

F. Except in a small center or when only snacks are provided by the operator, a separate handwashing sink which is equipped with soap and paper towels shall be provided in or adjacent to each food preparation area. Food preparation and utensil washing sinks may not be used for handwashing.

G. A cooking exhaust hood shall be provided when routine cleaning does not eliminate condensation or greasy film.

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H. 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.

I. Floors and walls in a food preparation area shall be easily cleanable and maintained in a clean condition.

COMAR 13A.16.12.06

.06 Infant Feeding.

A. The operator shall ensure that the written feeding schedule for an infant or toddler, as required by COMAR 13A.16.03.02D(1), is:

(1) Followed; and

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

B. Infant Self-Feeding.

(1) An infant shall be held for each bottle feeding except when the infant or toddler is developmentally able and insistent upon self-feeding.

(2) When an infant or toddler holds the bottle, the infant or toddler may do so only:

(a) When seated; and

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

C. Except as specified by §D of this regulation, an operator may serve an infant or toddler 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;

(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

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(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 operator or the parent that are consumed the same day.

D. Only whole, pasteurized milk will be served to an infant or toddler 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 prior approval of the child's parent and health care provider.

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E. An operator shall ensure that:

(1) All infant foods and bottles are labeled with the infant'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 center;

(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 infants and toddlers 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. 16, Ch. 12, Administrative History