

COMAR T. 13A, Subt. 14, Ch. 06, Refs & Annos

COMAR 13A.14.06.01

.01 Purpose.

The purpose of the Child Care Subsidy Program is to provide financial assistance with child care costs to families that meet applicable State or federal eligibility requirements.

COMAR 13A.14.06.02

.02 Definitions.

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

B. Terms Defined.

(1) "Absence" means the failure of a child to attend or appear at the child care program.

(2) "Administrative disqualification hearing" means a hearing held by an administrative law judge of the Office of Administrative Hearings to determine if an intentional program violation (IPV) has occurred for which disqualification is a sanction.

(3) "Administrative law judge" means an administrative law judge of the Office of Administrative Hearings.

(4) "Adult" means an individual who is 18 years old or older.

(5) "Adult with a regular presence when the child is in care" means an adult who is frequently present in the home of the informal child care provider during the hours that child care is provided.

(6) "Adult with physical custody of a child" means an adult, other than the child's parent, who has custody of a minor child residing in the same household, as evidenced by:

(a) A court order;

(b) Written authorization from a parent, if the parent is not residing in the same household; or

(c) Other documentation acceptable to the local department.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(7) “Appellant” means an applicant, recipient, or other individual who is:

(a) Authorized by regulation to request an appeal under this chapter; or

(b) The subject of an intentional program violation proceeding.

(8) “Applicant” means the child’s parent, guardian, or caretaker who applies for Child Care Subsidy (CCS) services.

(9) “Approved activity” means a pursuit in which an applicant or customer is participating that is approved by the local department for a TCA family, or by an individual who is:

(a) Enrolled in public school;

(b) Enrolled in training;

(c) Participating in a work experience activity;

(d) Participating in a job search activity;

(e) Working;

(f) Participating in a work activity; or

(g) Participating in a community service activity.

(10) “Babysitting” means care that is provided in the babysitter’s home for unrelated children for less than 20 hours a month, for which State law exempts the babysitter from being licensed.

(11) “Block grant” means the Child Care and Development Block Grant established under §5082 of the Omnibus Budget Reconciliation Act of 1990, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.

(12) “Case management” means the process of determining or redetermining eligibility for applicants and customers.

(13) “Child” means an individual who is younger than 13 years old who is not disabled, or an individual younger than 19 years old who is disabled.

(14) “Child care” means care in a State-recognized setting by an individual other than the parent, stepparent, guardian, or caretaker for less than a 24-hour day and for which compensation is paid.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (15) “Child care center” means a facility providing child care that is:
- (a) Licensed pursuant to COMAR 13A.16;
 - (b) Operated under a letter of compliance issued pursuant to COMAR 13A.17;
 - (c) Licensed by any branch of the military under applicable military child care regulations;
 - (d) Operated by a public school; or
 - (e) Licensed by the Department of Health and Mental Hygiene as a youth camp as defined by Health-General Article, §14-401, Annotated Code of Maryland.
- (16) “Child Care Subsidy (CCS) Program” means the system of providing financial assistance for child care for an eligible family, under which the contractor pays to the provider all or part of the payment on behalf of the family.
- (17) “Child Care Subsidy (CCS) Branch” means the unit of the Division of Early Childhood Development, in the Maryland State Department of Education, that regulates and administers Maryland’s CCS voucher system for TCA and income-eligible families.
- (18) “Child with a disability” means a child who has been diagnosed as being physically or mentally incapable of self-care appropriate to the age of the child, as verified by the State, based on a determination by a physician, a licensed or certified psychologist, or a licensed social worker.
- (19) “Contractor” means the entity designated by MSDE to process payments to child care providers and to handle tasks related to provider payment processing.
- (20) “Copayment” means that portion of the financial cost of child care services assigned by a local department to a family and paid on a unit basis by the family to the provider.
- (21) “Credentialing Branch” means the unit in the Division of Early Childhood Development in the Maryland State Department of Education that ensures that child care providers have access to quality training opportunities and that they are recognized for achieving quality improvements.
- (22) “Customer” means an individual who is eligible for and receiving services through the CCS Program.
- (23) “Department of Human Resources” means the agency that determines eligibility for CCS applicants and customers and handles case management related duties.
- (23-1) “Division of Special Investigations” means the unit of the Office of the Inspector General in the Department of Human Resources or the contractor that provides investigative resources in the investigation of suspected fraud in Child Care Subsidy applications, redeterminations, and open cases.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(24) "Enrollment status" means the attendance schedule, either full-time or part-time, of the child receiving CCS services.

(25) Family.

(a) "Family" means the family unit consisting of:

(i) One or more adults and children, related by blood, marriage, adoption, or legal guardianship, and residing in the same household; or

(ii) Adults with physical custody of a child, related or unrelated, who are residing in the same household.

(b) "Family" includes unrelated adults with children in common who reside together, whether either has other children residing in the household.

(c) "Family" does not include:

(i) Unrelated adults with no children in common residing together; or

(ii) Related adults, other than spouses, residing together.

(26) Family Child Care Home.

(a) "Family child care home" means a residence, other than the home of the child for whom CCS is requested, in which family child care is provided.

(b) "Family child care home" includes a:

(i) Family child care home registered to operate pursuant to COMAR 13A.15 or applicable military child care regulations; or

(ii) Large family child care home registered to operate pursuant to COMAR 13A.18.

(27) "Family income" means the combined monthly gross income, as defined in §B(40) of this regulation, of all family members.

(28) "Family Investment Program (FIP)" means an assistance program of the Department of Human Resources to families with children encompassing services, work experience, or temporary cash assistance (TCA).

(29) "Family Investment Program (FIP) participant" means an individual who is enrolled in TCA.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(30) “Family size” means the number of individuals residing in the same household as a family as defined in §B(25) of this regulation.

(31) “Good cause” means there are circumstances in which the applicant’s cooperation may not be in the best interest of the child.

(32) “Infant” means a child younger than 24 months old.

(33) “Informal child care” means child care that:

(a) Is self-arranged and nonregulated; and

(b) Requires child care providers to submit a signed affirmation of compliance with child care health and safety standards and to agree to a Child Protective Services record check, but does not require these providers to be licensed or regulated under State law.

(34) “Hearing” means a contested case hearing as defined in State Government Article, §10-202(d), Annotated Code of Maryland.

(35) “In-home care” means care:

(a) Provided to the customer’s children in the customer’s home by a nonrelative; and

(b) Exempt from licensing if all children being cared for live in the residence in which care is provided.

(36) “Intentional program violation” means an intentional false or misleading statement or misrepresentation, concealment, or withholding of facts for the purposes of establishing or maintaining the applicant, recipient, or provider’s eligibility for CCS payments or for increasing or preventing a reduction of the amount of assistance.

(37) “Local department” means a local department of social services in a county or Baltimore City, and the Montgomery County Department of Health and Human Services.

(38) “Local director” means the director of the local department of social services in a county or Baltimore City, and the Montgomery County Department of Health and Human Services.

(39) “Maryland State Department of Education” means the agency that provides leadership, support, and accountability for effective systems of public school, including the Division of Early Childhood Education.

(40) Monthly Gross Income.

(a) “Monthly gross income” means the sum of monthly income, including pretax benefits, received by an individual.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(b) "Monthly gross income" includes, but is not limited to:

- (i) Wages, salary, and net income from self-employment;
- (ii) Commissions, tips, and bonuses;
- (iii) Dividends and interest;
- (iv) Social Security benefits, including disability and survivors benefits;
- (v) Pensions and annuities;
- (vi) Estate income;
- (vii) Unemployment and Workers' Compensation; and
- (viii) Alimony and child support.

(c) "Monthly gross income" does not include:

- (i) Temporary Cash Assistance payments;
- (ii) Supplemental Security Income payments;
- (iii) \$5,000 of a family's annual gross income per child for adults with physical custody of a child as defined in §B(6) of this regulation;
- (iv) \$5,000 of a family's annual gross income per child when the minor parent attends public school full-time;
- (v) Money received from sales of property, such as stocks, bonds, a house, or a car, unless the individual was engaged in the business of selling the property, in which case the net proceeds would be counted as income from self-employment;
- (vi) Withdrawals of bank deposits;
- (vii) Money borrowed;
- (viii) Tax refunds;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (ix) Gifts;
- (x) Lump sum inheritances or insurance payments;
- (xi) Subsidized adoption, subsidized guardianship, and foster care payments;
- (xii) Value of food stamps or supplemental assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act as amended;
- (xiii) Earnings of a child younger than 15 years old or a child younger than 18 years old who is attending a public school;
- (xiv) Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;
- (xv) A grant or loan to an undergraduate student for educational purposes made or insured under a program administered by the Commissioner of Education under the Higher Education Act;
- (xvi) Home produce for household consumption;
- (xvii) Any stipends, compensation, or expenses received for volunteer service from programs existing or pending under the Domestic Volunteer Service Act of 1973 sponsored by ACTION;
- (xviii) Any payment received under the Community Service Trust Act of 1973;
- (xix) Earnings received by a youth in a program under the Workforce Investment Act;
- (xx) Energy grants and allowances received from P.L. 96-126 through the Maryland Energy Assistance Program;
- (xxi) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (xxii) Child support payments made by a noncustodial parent for a child not residing in the applicant's household;
- (xxiii) \$2,500 of child support state and federal tax intercepts and arrearage payments;
- (xxiv) Veterans Administration payments to children with birth defects born to female Vietnam veterans;
- (xxv) Educational assistance income that is used for an approved educational activity or is part of the

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

FIP Independence Plan; and

(xxvi) Payments made to correct underpayments to recipients.

(41) “Office of Administrative Hearings (OAH)” means the unit within the Executive Branch established by State Government Article, §9-1602, Annotated Code of Maryland.

(42) “Overpayment” means the amount of payment received by a recipient or service provider to which the recipient or service provider was not entitled as determined by applicable CCS regulations.

(43) “Program freeze” means that the list of available providers has been exhausted or there are insufficient funds to provide a child care subsidy to all eligible families.

(44) “Provider” means an individual who is 18 years old or older and who:

(a) Is responsible for the operation of a family child care home or child care center; or

(b) Provides informal child care.

(45) “Public assistance” means Supplemental Security Income (SSI) received pursuant to Title XVI of the Social Security Act or cash benefits received through any program administered by the Family Investment Administration or successor administration.

(46) “Public school” means an approved academic or vocational program carried out in an elementary school, junior high school, middle school, high school, program for special students, or General Educational Diploma tutoring program.

(47) “Reasonable accommodation” means a modification made by a child care service provider, at no additional cost to the parent, in order to meet the physical, social, mental, and emotional needs of a child with a disability in accordance with Title III of the Americans with Disabilities Act.

(48) “Recipient” means an individual who receives or has received assistance or that individual’s authorized representative.

(49) “Relative care” means care that:

(a) Is provided in the relative’s or customer’s home by a relative;

(b) Is exempt from licensing under Family Law Article, §§5-550-5-557, Annotated Code of Maryland; and

(c) Excludes as eligible for payment the parents, stepparents, legal guardians, or members of the TCA or CCS assistance unit.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(50) “Resident” means an individual who lives in Maryland and has no intention of leaving during the time in which CCS is to be provided.

(51) “Service period” means the 2-week period for which child care providers can provide service and receive payment.

(52) “Subsidy” means that portion of the financial cost of child care services paid in authorized unit rates by the contractor to providers.

(53) “Superintendent’s delegation” means the Superintendent’s delegation of hearing authority made pursuant to State Government Article, §10-205, Annotated Code of Maryland.

(54) “Temporary Cash Assistance (TCA)” means a form of cash assistance provided to families who are technically and financially eligible.

(55) “Tiered reimbursement” means weekly payments that:

(a) Exceed the payment rates specified in Regulation .09B-D of this chapter;

(b) Are paid to a child care center or a family child care provider that meets training and program quality requirements pursuant to COMAR 13A.14.09.09; and

(c) Vary based on the payment rate for the age of the child and the type of child care.

(56) Training.

(a) “Training” means any type of instructional program, except for post-college graduate programs, that is approved by the local department.

(b) “Training” includes an undergraduate college, a vocational program, a publicly funded training program, or volunteer activity designed to lead to employment of the participant.

(57) “Transitioning off of public assistance” means the immediate 12-month period following the loss of a customer’s eligibility for FIP assistance.

(58) “Underpayment” means a payment received by a recipient or provider that is less than the allowable amount owed the recipient or provider as determined by this chapter.

(59) “Unit” means the length of time per day a child is in child care, as follows:

(a) “One unit” means 3 hours or less per day;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(b) "Two units" means more than 3 hours per day, but less than 6 hours per day; or

(c) "Three units" means 6 hours or more per day.

(60) "Voluntary closure" means the period of time a child care provider is closed that:

(a) Includes not more than 2 consecutive weeks annually; and

(b) Excludes the holidays listed in Regulation .09G(7) of this chapter.

(61) "Voucher" means a coupon given to a customer by the local department for use in purchasing child care from a provider.

(62) "Waiver" means the document signed by an individual intentionally relinquishing the right to an administrative disqualification hearing.

COMAR 13A.14.06.03

.03 Eligibility.

A. Except for services sought for a foster care child, a Maryland resident is eligible for CCS services when the:

(1) Resident meets need and income requirements specified in §§C and D of this regulation; and

(2) Child for whom services are sought meets the requirements of §B of this regulation.

B. Citizenship Status. A child receiving CCS services shall be a:

(1) United States (U.S.) citizen;

(2) Qualified alien:

(a) Who is lawfully admitted for permanent residence in the U.S.;

(b) Who is granted asylum;

(c) Who is granted conditional entry;

(d) Who is temporarily paroled into the U.S. for limited reasons;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(e) Whose deportation is being withheld; or

(f) Who is a refugee; or

(3) Qualified alien who has been battered or subjected to extreme cruelty by a parent or household member in the U.S. and who has:

(a) Been approved for or has petitioned for status as a child of a U.S. citizen;

(b) Been classified as the child of a lawfully admitted alien; or

(c) Had deportation suspended with an adjustment of status.

C. Identity. At initial application, the applicant shall provide proof of identity for each member of the CCS eligibility unit.

D. Need. The need requirement is met:

(1) When the child's parent, caretaker, or legal guardian is not available or capable to care for the child, no other acceptable child care plan can be arranged, and one or more of the priority situations exist according to Regulation .07A of this chapter;

(2) By an applicant or customer who meets the requirements specified in Regulation .07A(1) of this chapter:

(a) During approved activity periods;

(b) Before beginning an approved activity for a period not to exceed 1 month;

(c) During gaps in approved activities for a period not to exceed 1 month; or

(d) As necessary to accept employment or to remain employed and if the child care would otherwise be lost; or

(3) By a customer who meets the requirements specified in Regulation .07A(2) and (3) of this chapter:

(a) While employed; and

(b) During gaps in employment for a period not to exceed 1 month and if the child care would otherwise be lost, to:

(i) Seek employment;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(ii) Accept employment; or

(iii) Remain employed.

E. Income.

(1) Except when TCA is received only for a child, the income requirement is met by:

(a) A family that:

(i) Has applied for, or receives, TCA; and

(ii) Has an annual gross income not exceeding the maximum income for family size as specified in Regulation .05H of this chapter; or

(b) An individual who is a recipient of SSI.

(2) An applicant shall meet the income eligibility requirements as defined in Regulations .02B and .05H of this chapter, except for the following who are exempt:

(a) TCA applicants or customers; or

(b) Recipients of SSI.

F. For purposes of determining parental copayments and subsidies, a family's income shall be determined by the definition of monthly gross income in Regulation .02B of this chapter, and changed to an annual amount by multiplying the:

(1) Average:

(a) Weekly income by 52;

(b) Every other week income by 26;

(c) Monthly income by 12; or

(d) Twice monthly income by 24; or

(2) Monthly income by the number of months worked by an individual for less than 12 months.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

G. An applicant or customer shall pursue child support services for each child receiving CCS services pursuant to Regulation .04 of this chapter.

H. Immunization.

(1) A child receiving CCS services shall be immunized appropriate to the child's age.

(2) The requirement in §G(1) of this regulation does not apply if a child's:

(a) Documented medical condition contraindicates immunization; or

(b) Parent, guardian or caretaker objects to the immunization on religious grounds.

(3) The immunization is met when a written declaration is submitted to the local department, at least annually, by the applicant affirming that the child attends a:

(a) Family child care home or a child care center where immunization records are maintained pursuant to COMAR 13A.15.03.02A(3), 13A.16.03.04G, or 13A.17.03.04G as applicable; or

(b) Full-day program at a public or nonpublic school where immunization records are maintained.

(4) Except as provided in §G(2) and (3)(b) of this regulation, evidence of immunizations for children using informal child care shall be submitted:

(a) On a form supplied by or approved by the CCS branch; and

(b) To the local department within 60 days of applying for child care services.

(5) At least annually, the local department shall, for each child, require evidence of compliance with the immunization schedule included on the form supplied or approved by the CCS Branch.

I. For continued eligibility for CCS services, a family or individual shall report to the local department within 10 days of its occurrence any change in:

(1) Income;

(2) Employment;

(3) Family composition;

(4) Marital status;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(5) Address; and

(6) Needed hours or days for child care services.

COMAR 13A.14.06.04

.04 Pursuit of Child Support Obligations.

A. An applicant who has the care of a child eligible for child support services pursuant to COMAR 07.07.02.02B(4) shall pursue the establishment and enforcement of support obligations on behalf of the child as required by the local CCS case manager.

B. If the applicant is pursuing or receiving regular child support payments for the child, the applicant shall furnish documentation verifying this action to the local CCS case manager at the time of application for child care services.

C. Local Child Support Enforcement (CSE) Agency.

(1) If the applicant is not pursuing or receiving regular child support payments for the child and cannot claim good cause for refusing to pursue child support pursuant to §E of this regulation, the local CCS case manager shall refer the applicant to the local CSE agency.

(2) The local CSE agency shall provide documentation of the:

(a) Application for CSE services to the applicant; and

(b) Closing of the case by CSE to the CCS unit.

(3) The applicant shall submit documentation of CSE services to the local CCS case manager within 60 days of applying for child care services.

(4) An applicant who fails to comply with §C(3) of this regulation is not eligible for CCS services.

D. Unless excused for good cause, the applicant shall cooperate with the local CSE agency in:

(1) Identifying and locating the child's absent parent;

(2) Establishing the child's paternity if the child is born out of wedlock; and

(3) Obtaining support payments.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

E. Refusal to Cooperate.

(1) Good cause circumstances are those when:

(a) Cooperation may result in serious physical or emotional harm to the child for whom the support is sought;

(b) Cooperation may result in serious physical or emotional harm to the applicant with whom the child is living, which may reduce the capacity of the applicant to care adequately for the child;

(c) The child for whom support is sought was conceived as a result of incest or forcible rape;

(d) Legal proceedings for the child's adoption are pending before a court of competent jurisdiction; or

(e) The applicant is being assisted by a public or licensed private social agency to resolve the issue of keeping or relinquishing the child for adoption, and the discussions have not extended beyond 3 months.

(2) When the local CCS case manager refers the applicant to the local CSE agency, the local CCS case manager shall inform the applicant in writing of the applicant's right to claim good cause for refusing to cooperate with the local CSE agency.

F. Determination of Good Cause.

(1) The local CCS case manager is responsible for determining the existence of good cause.

(2) The applicant shall provide the local CCS case manager with:

(a) Verified or verifiable evidence that specifies and corroborates circumstances that the applicant believes is sufficient good cause for not cooperating; and

(b) Sufficient information to permit an investigation.

(3) The applicant shall supply corroborative evidence within 30 days of making the claim for good cause.

(4) The local CCS case manager shall allow up to 30 additional days, with supervisory approval, for the applicant to make the claim when the unit determines difficulty in obtaining the corroborative evidence.

(5) Allegations by the applicant are not considered adequate information except in the case of anticipated physical harm.

(6) The local CCS case manager shall determine good cause based on:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (a) A review of the evidence submitted by the applicant; and
 - (b) The findings of any investigation of the claim that the local department chooses to make.
- (7) The local CCS case manager may determine good cause without further investigation if the following acceptable documentation indicates that harm may result:
- (a) A birth certificate or medical or law enforcement record indicating that the child was conceived as a result of incest or forcible rape;
 - (b) A court document or other record indicating that legal proceedings for adoption are pending before a court of competent jurisdiction;
 - (c) A court, medical, criminal, child protective services, psychological, social services, or law enforcement record indicating that the putative father or absent parent might inflict physical or emotional harm on the child or the applicant;
 - (d) A medical record indicating the emotional health history and the present emotional health status of the child or the applicant;
 - (e) A written statement from a mental health professional indicating a diagnosis or prognosis of the emotional health of the child or the applicant;
 - (f) A written statement from a public or licensed private social agency that the applicant is being assisted by the agency to resolve the issue of keeping or relinquishing the child for adoption and the discussions have not extended beyond 3 months; or
 - (g) Sworn statements from individuals other than the applicant with knowledge of the circumstances that provide the basis for a good cause claim.
- (8) The local CCS case manager shall inform the applicant in writing of the final determination.
- (9) Upon making a final determination, and if the applicant is receiving services from the CSE agency, the local CCS case manager shall promptly inform the local CSE agency whether or not there is good cause for refusal to cooperate.
- (10) The local CCS case manager shall deny CCS services to the applicant if a claim of good cause cannot be substantiated as required in this section.
- (11) The local CCS case manager may not deny, delay, or terminate child care subsidy services pending determination of good cause if the applicant has met the requirements of §F(2) of this regulation.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

G. Review of Determination of Good Cause.

(1) The local CCS case manager shall review, at a minimum during redetermination of eligibility, all cases in which a finding of good cause was made based on a circumstance that is subject to change.

(2) If the local CCS case manager determines that the circumstance providing the basis for determination of good cause no longer exists, the case manager shall require the applicant to pursue the establishment and enforcement of child support obligations.

H. An applicant transitioning off of TCA who does not have a child support order or who is not receiving child support shall cooperate with the local CCS case manager and the local CSE agency to continue, establish, or re-establish child support services.

I. An applicant who has the care of a child eligible for child support services and refuses to cooperate with the local CSE agency and the local CCS case manager on behalf of the child is ineligible for CCS services unless good cause for the refusal is either claimed or determined to exist.

COMAR 13A.14.06.05

.05 Application Process.

A. An applicant shall apply to the local department for CCS services.

B. To apply for CCS services, an applicant shall submit to the local department:

(1) A signed application; and

(2) Within 30 calendar days after receipt of the signed application, all requested documentation.

C. The local department shall decide to accept or deny the application within:

(1) 30 calendar days from the date of receipt of the signed application, if all verifications are received by the 25th day following application; or

(2) 35 calendar days from the date of receipt of the signed application, if all verifications are:

(a) Received between the 25th and 30th days following application; or

(b) Not received by the local department.

D. The applicant is eligible from the date a signed application is received if the local department determines that the customer is eligible for services.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

E. Program Freeze.

(1) The local department shall inform an applicant that a program freeze exists and that a child care placement cannot be made immediately when the:

(a) List of available providers has been exhausted and a provider cannot be located who is either acceptable to the parent or appropriate to the child; or

(b) Funds are not available to provide the service.

(2) The local department shall maintain a list of all eligible applicants by date of application and in accordance with the service priorities established under Regulation .07A of this chapter.

F. Denial. The local department shall deny the application if:

(1) The applicant is ineligible pursuant to Regulation .03 of this chapter;

(2) The customer was terminated from CCS services by the local department within the last 12 months for failure to pay the copayment unless a plan for payment of fees still owed is arranged to the satisfaction of the provider to whom the fee is due;

(3) The applicant fails to provide the required documentation within 30 days of initiating an application; or

(4) The applicant is disqualified for CCS payment pursuant to Regulation .12P of this chapter and the disqualification period has not ended.

G. Notice. The local department shall send a written denial notice to the applicant that includes:

(1) The decision;

(2) The basis for the decision;

(3) The regulation supporting the decision; and

(4) The explanation of the applicant's right to and method of requesting a fair hearing.

H. Income Eligibility Scale.

Family Size

Income

Copayment Level

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

1	\$ 0-6,797	A
	6,797-8,496	B
	8,496-9,346	C
	9,346-10,195	D
	10,195-11,045	E
	11,045-11,895	F
	11,895-12,745	G
	12,745-14,656	H
	14,656-16,568	I
	16,568-18,565	J
2	\$ 0-8,889	A
	8,889-11,111	B
	11,111-12,222	C
	12,222-13,332	D
	13,332-14,444	E
	14,444-15,555	F
	15,555-16,666	G
	16,666-19,166	H
	19,166-21,666	I

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

	21,666-24,277	J
3	\$ 0-10,980	A
	10,980-13,725	B
	13,725-15,098	C
	15,098-16,470	D
	16,470-17,842	E
	17,842-19,215	F
	19,215-20,588	G
	20,588-23,676	H
	23,676-26,764	I
	26,764-29,990	J
4	\$ 0-13,072	A
	13,072-16,339	B
	16,339-17,974	C
	17,974-19,607	D
	19,607-21,241	E
	21,241-22,875	F
	22,875-24,509	G

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

	24,509-28,185	H
	28,185-31,861	I
	31,861-35,702	J
5	\$ 0-15,163	A
	15,163-18,954	B
	18,954-20,849	C
	20,849-22,744	D
	22,744-24,639	E
	24,639-26,535	F
	26,535-28,431	G
	28,431-32,695	H
	32,695-36,959	I
	36,959-41,414	J
6	\$ 0-17,255	A
	17,255-21,568	B
	21,568-23,725	C
	23,725-25,881	D
	25,881-28,038	E
	28,038-30,195	F

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

	30,195-32,352	G
	32,352-37,205	H
	37,205-42,057	I
	42,057-47,127	J
7	\$ 0-17,647	A
	17,647-22,058	B
	22,058-24,264	C
	24,264-26,469	D
	26,469-28,675	E
	28,675-30,881	F
	30,881-33,088	G
	33,088-38,050	H
	38,050-43,013	I
	43,013-48,198	J
8	\$ 0-18,039	A
	18,039-22,548	B
	22,548-24,803	C
	24,803-27,057	D
	27,057-29,312	E

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

	29,312-31,568	F
	31,568-33,823	G
	33,823-38,896	H
	38,896-43,969	I
	43,969-49,269	J
9	\$ 0-18,431	A
	18,431-23,038	B
	23,038-25,343	C
	25,343-27,645	D
	27,645-29,950	E
	29,950-32,254	F
	32,254-34,558	G
	34,558-39,741	H
	39,741-44,924	I
	44,924-50,340	J
10	\$ 0-18,823	A
	18,823-23,528	B
	23,528-25,882	C

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

25,882-28,234	D
28,234-30,587	E
30,587-32,940	F
32,940-35,294	G
35,294-40,587	H
40,587-45,880	I
45,880-51,411	J

I. The case manager shall give a voucher to the eligible applicant to present to the provider when child care is selected.

COMAR 13A.14.06.06

.06 Delivery of Service.

A. If possible, the local department shall offer both family child care and center child care assistance.

B. Informal Child Care.

(1) Parents may choose informal child care as:

(a) Specified in §B(2)(a)-(c) of this regulation; and

(b) Defined in Regulation .02B of this chapter.

(2) The contractor shall provide payment which is approved pursuant to §C of this regulation for the following informal care:

(a) Relative care;

(b) In-home care; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(c) Babysitting.

(3) Parents shall submit to the local department a signed affirmation with requested documentation specifying:

(a) Where the care is provided; and

(b) The relationship of the child to the provider.

(4) Each local department shall maintain a list of all informal child care providers. The list shall identify the provider as informal and shall include the following information:

(a) Name;

(b) Address;

(c) Telephone number;

(d) Social Security number; and

(e) Relationship to children for whom the relative is providing care, if applicable.

C. Review of Child Abuse and Neglect Records.

(1) This section applies to all providers seeking payment for any type of informal child care identified in §B(2) of this regulation.

(2) A provider of informal child care services and an adult with a regular presence when the child is in care shall:

(a) Allow the local department to review and evaluate child abuse and neglect record findings, except when the local director gives an exception in writing;

(b) Allow the local department to review and evaluate child abuse and neglect records for any subsequent finding at least every 2 years if informal child care continues to be provided; and

(c) Submit the following to the local department before the contractor makes any payment:

(i) A signed affirmation of compliance with child care health and safety standards; and

(ii) A signed release of information form, which is signed in the presence of local department staff or their designee, or notarized, and which provides consent to a local department's review and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

evaluation of child abuse and neglect records.

D. Child Care Voucher System.

(1) The local department shall:

(a) Issue a voucher to an applicant that is:

(i) Related to the schedule and duration of the applicant's activity; and

(ii) Effective on the date a signed application is received if the requirements of Regulation .05D of this chapter are met; and

(b) Provide access to information and referral services to assist the applicant in finding appropriate child care directly or through other resources.

(2) Use of Voucher.

(a) The licensed or registered child care voucher may be used only in those programs that meet the definitions of child care center or family child care home in Regulation .02B of this chapter.

(b) The informal child care voucher may only be used for child care that meets the definition of informal child care in Regulation .02B of this chapter.

(3) Except for vouchers issued pursuant to Regulation .08A(3) of this chapter, the voucher is valid for a maximum of 12 months from the effective date if returned within 60 days of its issue date.

(4) The voucher is void if:

(a) The voucher is not signed by the provider and the customer;

(b) Placement is not made; or

(c) The voucher is not returned to the local department within 60 days of its issue date.

(5) The local department shall issue to a customer a notification of the expiration of a voucher at least 15 days before the expiration date to allow for application and review of eligibility for a new voucher by the local department.

E. A new voucher shall be issued if:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) A customer moves to another area served by a different local department; and
- (2) The new local department finds the customer is still eligible for CCS services.

COMAR 13A.14.06.07

.07 Service Groups.

A. Except that primary consideration within each priority shall be given to a family requiring CCS services for a child with a disability, provision of CCS services to a family is subject to the following priorities, determined by the Office of Child Care, CCS Branch:

(1) Individuals who:

(a) Have applied for TCA and are:

(i) Job searching; or

(ii) Participating in a job readiness activity; or

(b) Are receiving TCA and are participating in an approved activity;

(2) Individuals who are working and:

(a) Who have received TCA at any time within the prior 6 months;

(b) Who are no longer eligible for TCA; and

(c) Whose family income is less than or equal to the amounts listed for copayment levels A through J in Regulation .05H of this chapter, for the family's size; and

(3) Individuals who are working, enrolled in public school, or enrolled in training and:

(a) Who are not TCA applicants or recipients; and

(b) Whose family income is less than or equal to the amounts listed for copayment levels A through J in Regulation .05H of this chapter, for the applicant's family size.

B. If the Program is reduced because of insufficient funds:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(1) The order of the priorities, as established jointly by the local department and the CCS Branch, is applied in reverse for terminating services; and

(2) Service to individuals pursuant to §A(3) of this regulation shall be terminated beginning with copayment level J and, if necessary, terminating in reverse order to level A.

COMAR 13A.14.06.08

.08 Redetermination and Termination.

A. Unless a family with an open case is placed on program freeze status due to insufficient program funds, a local department shall make a determination of child care need for a family:

- (1) When there are significant changes in the family situation;
- (2) At least every 12 months; or
- (3) Within 10 days of the completion of the Head Start Program year if the child:
 - (a) Is enrolled in Head Start; and
 - (b) Receives CCS services.

B. The local department shall terminate CCS payments if the:

- (1) Family is no longer eligible on the basis of need;
- (2) Family is no longer eligible on the basis of income;
- (3) Local department determines that the parent regularly violates the requirements of the provider;
- (4) Family fails to pay the copayment, recorded on the voucher, when it is due;
- (5) Program is reduced because of insufficient funds or is oversubscribed, and services for the child are terminated according to Regulation .07B of this chapter;
- (6) Family commits welfare fraud as defined in Criminal Law Article, §§8-501-8-504, Annotated Code of Maryland, and cited in the terms of agreement of the child care subsidy voucher;
- (7) Family fails to provide documentation required by the local department to redetermine eligibility;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(8) Family who has the care of a child eligible for child support services refuses to cooperate with the State in pursuing child support obligations, unless good cause for the refusal is either claimed or determined to exist pursuant to Regulation .04 of this chapter;

(9) Family fails to report any change, as specified in Regulation .03H of this chapter, that results in the receipt of benefits for which the applicant is not eligible;

(10) Family fails to provide a signed affirmation, including required documentation, pursuant to Regulation .06C(2)(c) of this chapter;

(11) Family fails to verify immunizations appropriate to the child's age pursuant to Regulation .03G of this chapter for each child receiving services; or

(12) Family or the provider has been disqualified pursuant to Regulation .12P of this chapter and the disqualification period has not ended.

C. Notification of Termination.

(1) The local department shall notify the parent and provider in writing at least 5 working days before termination of child care services or reduction of child care benefits or services pursuant to Regulation .09G(6) of this chapter. The notice shall include:

(a) The action to be taken;

(b) The reason for the action;

(c) The regulation supporting the action; and

(d) An explanation of the parent's right to request a fair hearing and the method of obtaining a fair hearing.

(2) If a voucher is written for less than 5 working days, the notification period does not apply and the local department shall provide notification as soon as practicable.

COMAR 13A.14.06.09

.09 Payments for Child Care Services.

A. Basis of Payment.

(1) A sufficient number of invoice forms will be sent to the provider to cover the necessary service periods of a voucher after the voucher has been returned to the local department.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(2) A child care provider is paid:

(a) According to the weekly service unit rates as set out in §§B-D of this regulation for subsidies and Regulation .10B of this chapter for copayments;

(b) Based on 21.69 days in each month; and

(c) For authorized service units only.

(3) A separate payment rate is established for each of the following seven CCS service regions within the State for family homes and child care centers:

(a) Region U, which comprises Cecil, Queen Anne's, St. Mary's, Talbot, and Washington counties;

(b) Region V, which comprises Caroline, Dorchester, Kent, Somerset, and Wicomico counties;

(c) Region W, which comprises Anne Arundel, Calvert, Carroll, Charles, and Prince George's counties;

(d) Region X, which comprises Howard and Montgomery counties;

(e) Region Y, which comprises Baltimore, Frederick, and Harford counties;

(f) Region Z, which comprises Allegany, Garrett, and Worcester counties; and

(g) Region BC, which is Baltimore City.

B. Rate of Payment and Cost Guidelines -Family Child Care Home.

(1) This section shall apply only to a family child care home that is registered to operate pursuant to COMAR 13A.15.

(2) The amount paid to a family child care provider who cares for a child in the provider's home is the lowest of the:

(a) Regional weekly service unit rates established by this regulation;

(b) Weekly rate charged to the general public by the provider if that rate is comparable and competitive with the going rate in the community; or

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(c) Actual cost of care.

(3) The regional weekly service unit rates specified in this subsection are based on three units of service per day. For two-unit and one-unit regional weekly rates, multiply by $\frac{2}{3}$ and $\frac{1}{3}$, respectively, the following regional weekly rates:

(a) Rate for a child 24 months old or older:

(i) Region U-\$91.35;

(ii) Region V-\$81.08;

(iii) Region W-\$113.14;

(iv) Region X-\$143.83;

(v) Region Y-\$113.09;

(vi) Region Z-\$83.38; and

(vii) Region BC-\$103.76; or

(b) Rate for a child younger than 24 months old:

(i) Region U-\$120;

(ii) Region V-\$97.89;

(iii) Region W-\$152.89;

(iv) Region X-\$180;

(v) Region Y-\$145;

(vi) Region Z-\$95; and

(vii) Region BC-\$137.64.

C. Rate of Payment and Cost Guidelines -Child Care Center and Large Family Child Care Home.

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(1) The amount paid to a child care center is the lowest of the:

(a) Regional weekly service unit rates established by this regulation;

(b) Weekly rate charged to the general public by the child care center if that rate is comparable and competitive with the going rate in the community; or

(c) Actual cost of care.

(2) The regional weekly service unit rates specified in this subsection are based on three units of service per day. For two-unit and one-unit regional weekly rates, multiply by $\frac{2}{3}$ and $\frac{1}{3}$, respectively, the following regional weekly rates:

(a) Rate for a child 24 months old or older:

(i) Region U-\$105.60;

(ii) Region V-\$89.02;

(iii) Region W-\$122.92;

(iv) Region X-\$162.87;

(v) Region Y-\$125.06;

(vi) Region Z-\$85.65; and

(vii) Region BC-\$109.42; or

(b) Rate for a child younger than 24 months old:

(i) Region U-\$168.21;

(ii) Region V-\$143.21;

(iii) Region W-\$195;

(iv) Region X-\$255;

(v) Region Y-\$203.21;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(vi) Region Z-\$110; and

(vii) Region BC-\$183.21.

D. The informal child care weekly service unit rates specified in this section are based on three units of service per day. For two-unit and one-unit regional weekly rates, multiply by $\frac{2}{3}$ and $\frac{1}{3}$, respectively, the following jurisdictional weekly rates:

(1) Rate for a child 24 months old or older:

(a) Allegany County-\$52.44;

(b) Anne Arundel County-\$55.43;

(c) Baltimore County-\$58.91;

(d) Calvert County-\$55.43;

(e) Caroline County-\$40.51;

(f) Carroll County-\$55.43;

(g) Cecil County-\$52.44;

(h) Charles County-\$55.43;

(i) Dorchester County-\$40.51;

(j) Frederick County-\$58.91;

(k) Garrett County-\$52.69;

(l) Harford County-\$58.91;

(m) Howard County-\$74.07;

(n) Kent County-\$40.51;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (o) Montgomery County-\$74.07;
- (p) Prince George's County-\$55.43;
- (q) Queen Anne's County-\$45.73;
- (r) St. Mary's County-\$52.44;
- (s) Somerset County-\$40.51;
- (t) Talbot County-\$45.73;
- (u) Washington County-\$52.69;
- (v) Wicomico County-\$40.51;
- (w) Worcester County-\$43.00; and
- (x) Baltimore City-\$53.44; or
- (2) Rate for a child younger than 24 months old:
 - (a) Allegany County-\$61.39;
 - (b) Anne Arundel County-\$70.09;
 - (c) Baltimore County-\$70.09;
 - (d) Calvert County-\$70.09;
 - (e) Caroline County-\$45.73;
 - (f) Carroll County-\$71.33;
 - (g) Cecil County-\$53.94;
 - (h) Charles County-\$70.09;
 - (i) Dorchester County-\$45.73;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(j) Frederick County-\$70.09;

(k) Garrett County-\$61.39;

(l) Harford County-\$70.09;

(m) Howard County-\$88.73;

(n) Kent County-\$45.73;

(o) Montgomery County-\$88.73;

(p) Prince George's County-\$70.09;

(q) Queen Anne's County-\$53.94;

(r) St. Mary's County-\$61.39;

(s) Somerset County-\$45.73;

(t) Talbot County-\$53.94;

(u) Washington County-\$53.94;

(v) Wicomico County-\$45.73;

(w) Worcester County-\$45.73; and

(x) Baltimore City-\$67.36.

E. Unless permission is given by the local director for more than six children, local departments may approve payment for informal child care when the total number of children in the provider's care is six or less:

(1) Including not more than two children younger than 24 months old; and

(2) Counting the provider's own children younger than 6 years old among the six children.

F. Additional Costs.

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(1) A payment rate schedule is established for children attending public or nonpublic elementary or middle schools for the full school day who receive child care services. The payment rate schedule is:

(a) Paid pursuant to the maximum payment rates listed in §§B--D of this regulation;

(b) Valid when authorized child care services are provided:

(i) On a regular basis beyond school hours; and

(ii) When schools are closed during the school year;

(c) Based on a 42-week payment schedule that is calculated by averaging the child's rate for:

(i) 36 weeks of one or two authorized service units per day when school is scheduled to be in session; and

(ii) 6 weeks of three authorized service units per day when school is scheduled to be closed; and

(d) Applied to an uninterrupted 10-week school vacation when:

(i) The vacation period is not included in §F(1)(b)(ii) of this regulation; and

(ii) The care is authorized by the local department for three units of service a day.

(2) The 52-week payment schedule is established for children attending public or nonpublic elementary or middle schools for the full school day that are open year-round and is calculated by averaging the child's rate for:

(a) 36 weeks of one or two authorized service units per day when school is scheduled to be in session;

(b) 6 weeks of three authorized service units per day when school is scheduled to be closed; and

(c) 10 designated school vacation weeks of three authorized service units per day.

(3) The local department shall approve additional costs that exceed the payment rates specified in §§B-D of this regulation when child care is provided during nontraditional hours. Nontraditional hours are:

(a) 1 hour or more between 7 p.m. and 6 a.m. on Monday through Friday; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(b) Any period of 1 hour or more on Saturday or Sunday.

(4) Additional costs above the rates shall be authorized for care provided weekly during nontraditional hours up to:

(a) 5 percent for one unit of care;

(b) 10 percent for two units of care; or

(c) 15 percent for three units of care.

(5) For a child with a disability, the payment rates specified in §§B and C of this regulation apply, except if the service provider offers documentation to the local department that the cost of caring for the child with a disability exceeds the reasonable accommodation definition, in which case:

(a) The local department shall approve the additional cost not to exceed the annual allocated amount up to 15 percent above the rates set out in §§B and C of this regulation; or

(b) If the requested cost exceeds 15 percent, the local department shall submit a recommendation to the CCS Branch for approval of a higher payment not to exceed the annual allocated amount.

(6) Tiered Reimbursement.

(a) The local department shall approve a payment amount, in addition to the child's subsidy, to a family child care provider or child care center that:

(i) Submits an application to the Office of Child Care, Credentialing Branch; and

(ii) Is certified by the Office of Child Care as meeting the requirements for receiving tiered reimbursement.

(b) A family child care provider or a child care center meeting the credentialing requirements in COMAR 13A.14.09.04 shall be paid a weekly differential payment amount for each CCS child in care that is:

(i) Effective the first service period following approval;

(ii) In addition to a child's subsidy payment; and

(iii) In accordance with the following percentages, which are multiplied by the child's subsidy amount at each level:

Level 2

Level 3

Level 4

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

Family Child Care

Child younger than 24 months old	11 percent	22 percent	29 percent
Child 24 months old or older	10 percent	21 percent	28 percent

Center Child Care

Child younger than 24 months old	22 percent	37 percent	44 percent
Child 24 months old or older	10 percent	19 percent	26 percent

G. Payment Policy.

(1) The contractor shall process payment for the provider for CCS services through a completed invoice or other means approved by the CCS Branch.

(2) The rate paid to the provider is based on the region in which the:

(a) Child care is given if the provider is a:

(i) Family child care provider; or

(ii) Center child care provider; or

(b) Child resides, if the provider is an informal child care provider.

(3) The subsidy to be paid to a provider by the contractor is computed by subtracting the applicable weekly copayment for each child in the family receiving child care subsidy services, as set forth in Regulation .10B-C of this chapter, from the lowest of the:

(a) Weekly actual cost of care;

(b) Weekly local market rate; or

(c) Weekly applicable maximum provider payment rate set forth in Regulation .09B-D of this chapter.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(4) A provider is paid only for the time authorized by the voucher and may not be paid in excess of that time.

(5) A provider may not be paid for more than:

(a) The maximum full-time equivalent slots authorized for care by the Office of Child Care, Licensing Branch for care that is licensed or registered; or

(b) In accordance with Regulation .09D of this chapter, the amount allowed for informal child care.

(6) Except for vouchers written for less than 5 working days in accordance with Regulation .08C(2) of this chapter, and subject to §G(12)(f) of this regulation, the contractor shall pay for a 5 working day termination notification period to a provider of:

(a) Family child care; or

(b) Center child care.

(7) Except that holidays are included in the payment schedule pursuant to §F(1) and (2) of this regulation and not paid separately, family child care providers and center child care providers are paid for six holidays including Christmas, New Year's Day, Memorial Day, Independence Day, Labor Day, and Thanksgiving Day, according to the:

(a) Number of children enrolled in care the day before the holiday; and

(b) Enrollment status of the child during the period in which the holiday falls.

(8) Family child care and center child care providers shall be paid for those days when the services are closed for:

(a) An official emergency that is declared by the State or local government; and

(b) Voluntary closure days under Regulation .02B of this chapter when:

(i) Child care services are not provided;

(ii) The period of voluntary closure does not include more than 2 consecutive weeks annually; and

(iii) Except in cases of provider or family illness or death, the provider gives 2 weeks written notice of closure to the parent and the contractor.

(9) Family child care and center child care providers are paid for the time a child is absent up to 60 days per calendar year, except that in the case of illness or injury of the child, documented by a health practitioner, the

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

contractor may authorize additional absences.

(10) Payment may not be made to an informal child care provider for any holiday or for any child absence, except that for eligible customers, payments shall be made for:

(a) Holidays that are documented as worked by the provider; and

(b) Voluntary closure days under Regulation .02B of this chapter and §G(8)(b) of this regulation.

(11) The local department shall deny payment to an informal provider if:

(a) The local department has documented information indicating a risk to the health and safety of the child in that placement;

(b) An evaluation of child abuse and neglect records indicates behavior harmful to children by an:

(i) Informal child care provider; or

(ii) Adult with a regular presence when the child is in care as defined in Regulation .02B of this chapter; or

(c) The local department has not received a signed release of information form consenting to a review of child abuse and neglect records, pursuant to Regulation .06C(2) of this chapter; or

(d) The informal provider has been disqualified pursuant to Regulation .12 of this chapter and the disqualification period has not ended.

(12) Payment, including that for the termination notification period, may not be made to a formal or an informal provider who:

(a) Denies parental access to the child;

(b) Has been identified as responsible for child abuse or neglect, as defined in COMAR 13A.15.01.02B;

(c) Is the child's parent, stepparent, or legal guardian, or is a member of the child's CCS or TCA assistance unit;

(d) Fails to give 5 days written notice of service termination to the parent;

(e) Has been disqualified pursuant to Regulation .12 of this chapter and the disqualification period has not ended; or

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(f) Has committed an intentional program violation.

(13) Payment, including that for a termination notification period, may not be made to a formal provider who:

(a) If required to be licensed or registered, is not licensed or registered; or

(b) Has had a child care license or registration suspended or revoked.

(14) Payment, including that for a termination notification period, may not be made to an informal provider who is required to submit an affirmation of compliance with health and safety standards and has not submitted the affirmation.

(15) Stoppage of payment to a provider whose child care license or registration has been suspended or revoked is based on the date of the suspension or revocation notice.

H. Method of Payment.

(1) Payment to a provider is made jointly by the contractor and the family of the child.

(2) State Payment.

(a) The contractor shall pay a provider upon approval of an invoice and, if requested, an attendance sheet submitted within 60 days of the end date of the last service period.

(b) The amount of the invoice shall match the authorized service units listed on the voucher. Payment may not be made for any units in excess of those authorized by the voucher.

(3) Parental Payment.

(a) Parental payment for child care services shall be made directly to the provider at times set by the provider and shall follow the payment policy of the provider.

(b) The parent shall pay the provider the copayment listed on the voucher.

(c) The provider shall give the parent a receipt for the full amount of the parent's payment.

(4) An invoice adjustment may be made within 60 days after the end of the month in which services were provided.

I. Payment Irregularities.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) The local department or the contractor shall attempt to recover any overpayment to recipients or service providers.
- (2) Recovery shall be made by repayment or by reduction of continuing child care benefits.
- (3) If an overpayment is recovered incrementally, it shall be recovered at a monthly rate of:
 - (a) 10 percent of the overpayment for cases not involving fraud; or
 - (b) 20 percent of the overpayment for cases involving fraud.
- (4) The local department or the contractor shall promptly correct any underpayment to recipients and service providers.

COMAR 13A.14.06.10

.10 Copayments.

A. Parental Copayments.

- (1) An individual or family who uses CCS services shall contribute financially to the cost of those services, except for the following, who are exempt:
 - (a) TCA applicants or recipients pursuant to Regulation .07A(1) of this chapter;
 - (b) SSI recipients; or
 - (c) A CCS customer for a voucher issued for a voluntary closure period as defined in Regulation .02B of this chapter.
- (2) Except for additional vouchers issued for voluntary closure days, parental copayments are paid to a provider based on the provider's payment schedule and shall include a minimum copayment, as listed on the child care voucher and in accordance with Regulation .09G(2) of this chapter.
- (3) Except as exempted under §A of this regulation, parental copayments are assessed for three or fewer children who are receiving child care subsidy services. Copayments are assessed for services provided to an eligible child as follows:
 - (a) The youngest child in care is assessed the highest copayment;
 - (b) The second child in care, who is the next oldest, is assessed a lower copayment;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(c) The third child in care, who is the next oldest in age to the second child, is assessed the same copayment amount as the second child; and

(d) No copayment is assessed for the fourth child and subsequent children.

(4) Parental copayments are determined on the basis of family size and income as set forth in Regulation .05H of this chapter.

B. Regional Weekly Copayment Tables.

(1) These regional weekly copayment tables are based on three units of service per day. For the two-unit and one-unit regional weekly copayments, multiply the figures in §B(2) and (3) of this regulation by 2/3 and 1/3 respectively.

(2) Copayments for a Child 24 Months Old and Older in Family Child Care or Center Care.

(a) Copayments Amounts for First (Youngest) Child in Care.

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$4.56	\$4.03	\$5.60	\$7.22	\$5.54	\$4.12	\$5.15
B	7.29	6.45	8.95	11.55	8.77	6.59	8.24
C	11.85	10.49	14.55	18.77	14.31	10.71	13.40
D	17.32	15.33	21.26	27.44	21.00	15.65	19.58
E	22.79	20.17	27.98	36.10	27.69	20.59	25.76
F	29.18	25.82	35.81	46.21	35.31	26.36	32.98
G	35.56	31.47	43.64	56.32	43.15	32.12	40.19
H	41.03	36.31	50.36	64.99	49.85	37.06	46.37
I	43.77	38.73	53.54	69.32	53.08	39.54	49.46
J	45.59	40.34	55.61	72.21	55.38	41.18	51.52

(b) Copayments Amounts for Second and Third Children in Care.

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
-----------------	----------	----------	----------	----------	----------	----------	-----------

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A	\$2.74	\$2.42	\$3.36	\$4.33	\$3.23	\$2.47	\$3.09
B	5.47	4.84	6.71	8.66	6.69	4.94	6.18
C	9.12	8.07	11.19	14.44	11.08	8.24	10.30
D	12.76	11.30	15.67	20.22	15.46	11.53	14.43
E	18.24	16.14	22.38	28.88	22.15	16.47	20.61
F	22.79	20.17	27.98	36.10	27.69	20.59	25.79
G	28.27	25.01	34.69	44.77	34.15	25.53	31.94
H	31.91	28.24	39.17	50.54	38.77	28.83	36.07
I	34.65	30.66	42.52	54.88	42.00	31.30	39.16
J	36.47	32.27	44.76	57.76	44.31	32.95	41.22

(c) A copayment is not assessed for subsequent children in a family who are:

(i) The oldest children in the family pursuant to §A(3) of this regulation; and

(ii) Receiving POC services.

(3) Copayments for a Child Younger than 24 Months Old in Family Child Care or Center Care.

(a) Copayments Amounts for First (Youngest) Child in Care.

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$5.82	\$4.88	\$7.62	\$9.05	\$7.17	\$4.53	\$6.84
B	9.31	7.81	12.20	14.48	11.47	7.25	10.95
C	15.13	12.70	19.82	23.53	18.63	11.79	17.80
D	22.12	18.56	28.97	34.39	27.23	17.23	26.01
E	29.10	24.42	38.12	45.25	35.83	22.67	33.69
F	37.25	31.25	48.79	57.92	45.86	29.01	42.46
G	45.40	38.09	59.46	70.59	55.89	35.36	51.46

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

H	52.38	43.95	68.61	81.45	64.49	40.80	59.08
I	55.87	46.88	73.18	86.88	68.79	43.52	62.77
J	58.20	48.83	76.23	90.46	71.66	45.34	65.31

(b) Copayments Amounts for Second and Third Children in Care.

Copayment Level	Region U	Region V	Region W	Region X	Region Y	Region Z	Region BC
A	\$3.49	\$2.93	\$4.57	\$5.43	\$4.30	\$2.72	\$4.11
B	6.98	5.86	9.15	10.86	8.60	5.44	8.21
C	11.64	9.77	15.25	18.10	14.33	9.07	13.69
D	16.30	13.67	21.35	25.34	20.06	12.69	19.17
E	23.28	19.53	30.49	36.20	28.66	18.13	27.38
F	29.10	24.42	38.12	25.25	35.83	22.67	33.69
G	36.09	30.28	47.26	56.11	44.43	28.11	41.31
H	40.74	34.18	53.36	63.35	50.16	31.73	46.38
I	44.23	37.11	57.94	68.78	54.46	34.46	50.08
J	46.56	39.07	60.99	72.40	57.33	36.27	52.62

(c) A copayment is not assessed for subsequent children in a family who are:

- (i) The oldest children in the family pursuant to §A(3) of this regulation; and
- (ii) Receiving POC services.

C. A family using informal care shall pay a copayment amount which is equal to the amount produced by multiplying the appropriate percentage from the following table by the informal care weekly rate in the jurisdiction where the child resides:

(1) Copayments Amounts for First (Youngest) Child in Care.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

Copayment Level	Copayment Percentage
A	5%
B	8%
C	13%
D	19%
E	25%
F	32%
G	39%
H	45%
I	48%
J	50%

(2) Copayments Amounts for Second and Third Children in Care.

Copayment Level	Copayment Percentage
A	3%
B	6%
C	10%
D	14%
E	20%

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

F	25%
G	31%
H	35%
I	38%
J	40%

(3) A copayment is not assessed for subsequent children in a family who are:

- (a) The oldest children in the family pursuant to §A(3) of this regulation; and
- (b) Receiving POC services.

D. Determination of Weekly Copayments.

(1) In Regulation .05H of this chapter, the local department shall find the family size and income to identify the corresponding copayment level letter, and:

(a) Refer to the weekly copayment tables for regulated care listed under §B of this regulation to locate the appropriate regional weekly copayment for the:

- (i) Youngest child in the family in care; and
- (ii) Second and third oldest children in the family in care; and

(b) Determine the weekly copayment for informal child care by multiplying the appropriate regional weekly copayment percentage by the appropriate weekly informal rate, which may not exceed the rates listed in §C of this regulation by the appropriate weekly informal rate, which may not exceed the rates listed in Regulation .09D of this chapter.

(2) For any family size greater than ten, the weekly copayment is the same as for a family of ten.

COMAR 13A.14.06.11

.11 Hearings and Appeals.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A. Appeal by Applicant or Recipient. An applicant or recipient may request a hearing if the local department:

- (1) Denies, suspends, reduces, or terminates assistance;
- (2) Fails to act with reasonable promptness on an application for, or a request for adjustment of assistance; or
- (3) Imposes sanctions on a recipient; or
- (4) Recovers an overpayment in assistance.

B. Notice.

- (1) The local department or contractor shall send written notice of any adverse action in writing:
 - (a) To each applicant for, and each recipient of, child care services;
 - (b) To each individual selected by the applicant or customer as an informal provider who is denied payment pursuant to Regulation .09G(11) of this chapter; and
 - (c) To a family child care provider, a child care center, or informal provider who is denied payment for committing an intentional program violation pursuant to Regulation .09G(12)(f) of this chapter.
- (2) Notice of any adverse action shall include the:
 - (a) Decision;
 - (b) Basis for the decision;
 - (c) Specific regulation supporting the decision;
 - (d) Right to request an appeal;
 - (e) Method by which an appeal may be requested;
 - (f) Right to be represented in an appeal by a lawyer, relative, friend, or other individual; and
 - (g) Availability of any free legal services.
- (3) Applicants or recipients may appeal within 90 calendar days of the local department action or mailing.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(4) An appeal request:

(a) Is made by expressing a desire to appeal;

(b) May be received by any employee of the local department whose assignment requires contact with the public; and

(c) Whether communicated formally or informally, shall be reported immediately to the designated hearing coordinator.

(5) The filing date of the appeal request is the date the local department received the request in writing.

(6) Local Department Assistance in the Appeal Request. The local department shall assist the appellant in completing an appropriate appeal request form to ensure that it contains all the information required to process the request and, if necessary, shall provide an interpreter.

C. Processing of Appeal Requests.

(1) Within 5 business days of the filing date of a written appeal request, the local department shall:

(a) Forward the following information to OAH:

(i) Date of the request;

(ii) Name and address of the appellant;

(iii) Name and address of the local department representative;

(iv) Action being appealed;

(v) Date of the action being appealed; and

(vi) Date notice of the action was mailed to the appellant; and

(b) Acknowledge to the appellant receipt of the appeal request.

(2) Conference.

(a) When the local department acknowledges receipt of an appeal request, the local department shall promptly offer the appellant a conference.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (b) A local department supervisor shall attend the conference.
- (c) The case manager responsible for the action may also attend.
- (d) Although a conference may lead to an informal resolution of the dispute, a hearing shall be held unless the appellant withdraws the appeal request in writing.

D. Continuation of Assistance Pending Appeal.

- (1) Assistance shall be automatically continued or reinstated if the filing date of the appeal request is within 10 calendar days of the intended action.
- (2) Assistance may not be continued or reinstated pending appeal if:
 - (a) An appellant specifically requests that assistance not be continued or reinstated pending appeal;
 - (b) The eligibility or certification period for the assistance has expired;
 - (c) Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not appear to concern misapplication of the change;
 - (d) Continuation or reinstatement of the service at issue would threaten the health or safety of other individuals;
or
 - (e) The service is terminated because of nonpayment by the family of the copayment stated on the voucher that was assigned by the local department.
- (3) An appeal request form shall contain:
 - (a) An opportunity for the appellant to request that assistance not be continued or reinstated pending appeal;
and
 - (b) A statement that the appellant is responsible for repaying any assistance paid during the appeal process if the local department's position is upheld.

E. Denial or Dismissal of Request for Appeal. OAH may deny or dismiss an appeal if:

- (1) The appeal request is not complete;
- (2) The appellant withdraws the request in writing;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (3) The appellant fails to appear at the scheduled hearing;
- (4) Assistance has been reduced or terminated due to a change in federal or State law or regulation and the appeal does not concern misapplication of the change; or
- (5) The appellant has failed to pay any filing fees required by OAH.

F. Scheduling and Notice.

- (1) Except as provided in §§B and D of this regulation, upon receiving an appeal request, OAH shall:
 - (a) Promptly schedule a hearing; and
 - (b) Send the parties a hearing notice at least 15 calendar days before the scheduled hearing.
- (2) Intentional Program Violation Hearing. When the local department or contractor makes a referral to OAH concerning an intentional program violation, OAH shall:
 - (a) Promptly schedule a hearing; and
 - (b) Send the parties a hearing notice at least 30 calendar days before the scheduled hearing.
- (3) Hearing Notice. The hearing notice shall:
 - (a) Summarize the hearing procedures;
 - (b) Advise the appellant of:
 - (i) The date, time, and place of the hearing;
 - (ii) The right to be represented at the hearing by a lawyer, relative, friend, or other individual;
 - (iii) The availability of any free legal services;
 - (iv) The right to present documents and witnesses, including local department employees or contractors, at the hearing;
 - (v) The right to examine the case record in preparation for the hearing;
 - (vi) The procedure to follow if the appellant cannot attend the hearing; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(vii) Except in an appeal concerning an intentional program violation, the authority of an administrative law judge to dismiss the appeal if the appellant fails, without good cause, to attend the hearing; and

(c) In an appeal concerning an intentional program violation, include:

(i) The charge;

(ii) A warning that the decision shall be based solely on information provided at the hearing if the appellant fails to appear at the hearing;

(iii) A statement that, to have a hearing rescheduled, the appellant has 10 calendar days from the date of the hearing to present to the administrative law judge good cause for not appearing and for not asking for a postponement before the hearing;

(iv) A description of the disqualification penalties and a statement of the applicable penalty;

(v) A statement of the appellant's rights during the hearing; and

(vi) A warning that the hearing does not preclude the State or federal government from prosecuting the appellant or pursuing collection of the overpayment.

G. Prehearing Procedures.

(1) Rescheduling.

(a) A party may request a change in a hearing time, date, or location by:

(i) Submitting a written request, with copies served on all parties, to the OAH clerk's office at least 5 business days before a scheduled hearing; or

(ii) In the case of an unforeseen event requiring postponement and occurring less than 5 business days before a scheduled hearing, calling the OAH clerk's office as soon as possible.

(b) If OAH finds that good cause exists, OAH shall set another time or place for the hearing and notify the parties of the change.

(c) In an appeal concerning an intentional program violation, the appellant is entitled to one postponement of the scheduled hearing of up to 30 calendar days without the need to demonstrate good cause.

(d) Any time limits applicable to the issuance of a final administrative decision are extended by the length of

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

the delay caused by a postponement:

(i) Requested by the appellant; or

(ii) Granted by the administrative law judge due to the appellant's introduction of new evidence.

(2) Summaries. The local department shall:

(a) Prepare a summary of the facts pertinent to the case and of the basis for its action; and

(b) Send the summary and copies of all documents that it intends to present at the hearing to the appellant and to OAH at least 6 calendar days before the date of the hearing.

H. Administrative Law Judge's Decision.

(1) The administrative law judge shall render a final decision.

(2) The decision shall contain:

(a) Separate statements of findings of fact and conclusions of law;

(b) Citation to pertinent State and federal law; and

(c) An order.

I. Final Decision.

(1) Within 90 calendar days of the filing of the appeal request:

(a) The administrative law judge shall issue a final decision to all parties; and

(b) The local department shall complete all administrative or corrective action necessary to implement the decision.

(2) If the decision is favorable to the local department, the local department may:

(a) Take immediate steps to implement the decision; and

(b) Reduce or terminate assistance that has been continued while the appeal was pending by:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(i) Decreasing the subsidy amount or closing the customer's case; and

(ii) Notifying the child care provider of the reduction or termination pursuant to Regulation .08C(1).

(3) If the decision is favorable to the appellant, the local department shall, within 10 calendar days of the date of the decision:

(a) Comply with the decision;

(b) Take corrective action retroactive to the date the incorrect action was taken;

(c) Restore the services; and

(d) Notify OAH that it has completed all required action.

(4) The Record. After issuing a final administrative decision, OAH shall promptly forward to the CCS Branch the complete record, including all:

(a) Papers filed;

(b) Evidence submitted; and

(c) Orders and decisions issued.

COMAR 13A.14.06.12

.12 Intentional Program Violations.

A. Notice of intentional program violation disqualification penalties shall be posted in clear, prominent, and boldface lettering:

(1) On the application form each time a family applies for child care subsidy; or

(2) On the Terms of Agreement each time a provider accepts a CCS child.

B. Local Department and Contractor Responsibilities. When the local department or contractor receives information that an applicant, customer, or provider may have committed an intentional program violation, the local department or contractor may refer the information to the Division of Special Investigations, which shall:

(1) Conduct an investigation of the suspected intentional program violators;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(2) Prepare a report on the completed investigation showing the methods used to obtain information; and

(3) Make the report available to the director of the local department and the CCS Branch Chief.

C. When the local department decides that there is sufficient documentary evidence that an applicant, customer, or provider has committed an intentional program violation, the local department or contractor shall refer the applicant, customer, or the provider to the:

(1) Local State's Attorney if the alleged facts in the case meet the guidelines established by the State's Attorney for prosecution; or

(2) The Office of Administrative Hearings (OAH) for an administrative disqualification hearing.

D. If the local State's Attorney decides that a case does not warrant prosecution, the local department or contractor may refer that case to OAH for an administrative disqualification hearing.

E. If the local State's Attorney does not act on a referred case within 30 days, the local department or contractor shall formally withdraw the referral and refer the case to OAH for an administrative disqualification hearing.

F. The local department or contractor may refer an applicant, customer, or provider for an administrative disqualification hearing regardless of the current status.

G. The local department or contractor may not initiate an administrative disqualification hearing:

(1) Against an applicant, customer, or provider whose case is being referred by the State's Attorney for prosecution; or

(2) After the State's Attorney or a court of appropriate jurisdiction has taken any action against the applicant, customer, or provider in a case arising out of the same or related circumstance.

H. The local department or contractor may allow an applicant, customer, or provider who is accused of an intentional program violation to waive the applicant's, customer's, or provider's right to an administrative disqualification hearing.

I. Supervisory Review. Before providing advanced written notification that the applicant, customer, or provider may waive the applicant's, customer's, or provider's right to an administrative disqualification hearing, the local department or contractor shall ensure that someone other than the case manager or payment processor assigned to the accused applicant's or customer's case or provider's payment processor:

(1) Reviews the evidence against the applicant, customer, or provider; and

(2) Determines that the evidence warrants scheduling of a disqualification hearing.

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

J. Advance Notification. When the local department or contractor decides to allow an applicant, customer, or provider to waive the applicant's, customer's, or provider's right to an administrative disqualification hearing, the local department or contractor shall notify the applicant, customer, or provider in writing. The notice shall include:

- (1) A summary of the charge against the applicant, customer, or provider and the evidence to support it;
- (2) Information regarding the administrative disqualification hearing including:
 - (a) A statement that the applicant, customer, or provider may waive the right to an administrative disqualification hearing;
 - (b) The date, not later than 20 days after the mailing of the notice, after which the local department or contractor will refer the case to OAH for a hearing if the local department or contractor has not received the signed waiver;
 - (c) The requirement that the applicant, customer, or provider shall sign the waiver;
 - (d) A statement that the applicant, customer, or provider has the right to remain silent and that anything the individual says or signs concerning the charge may be used in future administrative or judicial proceedings; and
 - (e) A statement that signing the waiver will result in disqualification and reduce or terminate services for the applicant, customer, or provider;
- (3) An opportunity for the applicant, customer, or provider to admit to the facts presented by the local department or contractor;
- (4) A statement that the disqualified applicant, customer, or provider is responsible for repayment of any overpayment received;
- (5) A statement that a hearing does not preclude the State or federal government from prosecuting the applicant, customer, or provider for the intentional program violation in a civil or criminal court; and
- (6) The name and telephone number of the person to contact for additional information.

K. Imposition of Disqualification Penalties.

- (1) If the local department or contractor receives a signed waiver of the right to an administrative disqualification hearing, the local department or contractor shall apply the disqualification penalty in accordance with this regulation.
- (2) The applicant, customer, or provider may request a hearing before OAH if the individual disagrees with the amount of the overpayment or the method of repayment.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

L. If the local department or contractor does not receive a signed waiver of the right to an administrative disqualification hearing within 20 days of providing advance notification in accordance with Regulation .05C of this chapter, the local department or contractor shall refer the individual to OAH for a hearing in accordance with COMAR 13A.14.06.11.

M. The referral shall include:

- (1) Identifying case information;
- (2) A summary of the alleged intentional program violation;
- (3) Copies of the local department's or contractor's supporting documentation; and
- (4) Documentation that the applicant, customer, or provider has been:
 - (a) Previously disqualified for an intentional program violation; or
 - (b) Convicted by a court of fraud involving CCS.

N. A pending disqualification hearing does not affect the applicant's, customer's, or provider's right to be certified and participate in the program.

O. The local department or contractor shall terminate or reduce the services if:

- (1) There is documentation to support the action; and
- (2) The customer or provider fails to request a hearing and continuation of benefits after notice of termination or reduction.

P. An applicant, customer, or provider who has waived the right to an administrative disqualification hearing or was found to have committed an intentional CCS Program violation is ineligible to participate in the CCS Program as follows:

- (1) For the first violation, the applicant, customer, or provider may not receive any CCS payments for 6 months from the date payment was denied or until the customer or provider makes full restitution to the local department, whichever is earlier;
- (2) For the second violation, the applicant, customer, or provider may not receive any CCS payments for 12 months from the date the payment was denied or until the customer or provider makes full restitution to the local department, whichever is earlier;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(3) For the third violation, the applicant, customer, or provider shall be permanently barred from receiving CCS payments and shall pay restitution to the local department; and

(4) For a determination of an intentional program violation based on an applicant's, customer's, or provider's conviction in a federal or state court on charges that the person misrepresented the location of his or her residence in order to obtain services from two or more states, the applicant, customer, or provider is not eligible to receive CCS services or payments for 10 years from the finding.

Q. The disqualification period begins with the first month following the month in which the applicant, customer, or provider receives written notification of the disqualification:

(1) Upon disposition of an intentional program violation hearing if the decision of the local department of social services or contractor is upheld;

(2) When a waiver is signed; or

(3) Upon final disposition of any proceeding referred to the local State's Attorney Office.

R. Once a disqualification penalty has been imposed under §A(1) and (2) of this regulation, the period of disqualification continues uninterrupted until the earlier of:

(1) Full repayment of the benefit; or

(2) Completion of the time period.

S. Before imposing the sanction, the local department or contractor shall provide written notice to the applicant, customer, or provider of the:

(1) Effective disqualification date;

(2) Reason for imposing the sanction;

(3) Payment that the applicant, customer, or provider was receiving;

(4) Date on which the customer may reapply or provider may begin offering service because the disqualification period has expired; and

(5) Customer's right to appeal the disqualification.

T. If an applicant, customer, or provider has been disqualified pursuant to this regulation, the local department, Maryland State Department of Education, or the contractor shall send the applicant, customer, or provider a demand letter for restitution, which shall include:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) The amount owed;
- (2) The reason for the claim;
- (3) The period of time covered by the claim;
- (4) The procedure for paying the claim;
- (5) The right to request renegotiation of any repayment schedule if the applicant's, customer's, or provider's economic circumstances change; and
- (6) The requirement to:
 - (a) Sign the repayment notice to indicate agreement to make restitution;
 - (b) Select the method of payment; and
 - (c) Return the repayment notice within 30 days of the date of the notice.

COMAR T. 13A, Subt. 14, Ch. 06, Administrative History

COMAR T. 13A, Subt. 14, Ch. 07, Refs & Annos

COMAR 13A.14.07.01

.01 Scope.

This chapter sets forth the purpose of the Family Day Care Provider Direct Grant Fund, the requirements for applying for an award under the Fund, the basis and procedure for making an award, and the penalties for providing false information in order to obtain an award.

COMAR 13A.14.07.02

.02 Definitions.

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

B. Terms Defined.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) “Annual family income” means the combined annual adjusted gross income, as reported for federal tax purposes, of all members of the applicant’s household.
- (2) “Applicant” means the provider who has applied to the Office to receive an award through the Fund.
- (3) “Award” means the grant amount awarded through the Fund to an approved applicant.
- (4) “Department” means the State Department of Education.
- (5) “Fund” means the Family Day Care Provider Direct Grant Fund.
- (6) “Grantee” means the person who has received an award through the Fund.
- (7) “Office” means the Office of Licensing in the Office of Child Care of the Department.
- (8) “Provider” means a registered family day care provider who cares for not more than eight children under a current certificate of registration issued under COMAR 13A.14.01.

COMAR 13A.14.07.03

.03 Fund Uses and Limitations.

A. The Fund is used to provide reimbursement to providers for expenses necessary to achieve or maintain compliance with the requirements of COMAR 13A.15.

B. Reimbursement for compliance-related expenses shall be made in the form of an award.

C. Awards shall be:

- (1) Made only to providers; and
- (2) Used by grantees only as reimbursement for their compliance-related expenses, which include:
 - (a) The fee for a medical examination, medical testing, or immunization required for registration application purposes;
 - (b) The cost of:
 - (i) Attending an approved provider training course,

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (ii) Applying for a required criminal background investigation,
 - (iii) Meeting local zoning, health and safety, or fire requirements applicable to family day care,
 - (iv) Water testing or sanitarian inspection, if required,
 - (v) Lead paint or asbestos abatement, testing, or control,
 - (vi) Small household repairs or alterations necessary to allow child care activities to take place or to ensure the safety of children in care,
 - (vii) Obtaining appropriate toys or equipment for child care activities,
 - (viii) Educational materials for use by children in care,
 - (ix) Arts and crafts supplies for use by children in care; and
- (c) Other costs which are identified and approved by the Office as necessary for the applicant to comply with the requirements of COMAR 13A.15.

D. An award may not exceed \$500.

E. A grantee may not receive more than one award during the existence of the Fund.

COMAR 13A.14.07.04

.04 Applications.

- A. The Office shall accept applications for an award only from providers.
- B. To apply for an award, the provider shall submit to the Office a complete application, which includes:
- (1) An application form, supplied by the Office, which is completed and signed by the applicant;
 - (2) Documentation of each expense claimed for reimbursement, which shall consist of the original or a copy of a dated sales slip or other written receipt which shows the specific nature and amount of the expense; and
 - (3) Any other relevant information required by the Office, which may include written verification of the applicant's annual family income.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

C. An applicant may be determined eligible for an award if:

(1) The application is complete;

(2) No enforcement action by the Office against the applicant has been in effect or initiated during the applicant's current family day care registration period; and

(3) The applicant's annual family income does not exceed 60 percent of the State median income (SMI) for the applicant's family size during the current October 1-September 30 period.

D. State Median Income (SMI).

(1) The Office shall amend this regulation annually to show 60 percent of the SMI for family size for the current October 1-September 30 period.

(2) For the period October 1, 2000-September 30, 2001, 60 percent of the SMI for family size is as follows:

Family Size	60% of SMI
1 individual	\$22,278
2 individuals	\$29,133
3 individuals	\$35,988
4 individuals	\$42,842
5 individuals	\$49,697
6 individuals	\$56,552
7 individuals	\$57,837
8 individuals	\$59,123
9 individuals	\$60,408
10 individuals*	\$61,693

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

* For each additional family member above 10 individuals, add \$1,285 to the 60 percent of SMI figure shown for a family of 10.

(3) Until each annual amendment of this regulation becomes effective, the Office shall continue to apply 60 percent of the SMI applicable to the most recent October 1-September 30 period.

E. Determination of Eligibility.

(1) The Office shall determine an applicant's eligibility within 35 calendar days after a complete application is received by the Office.

(2) The month in which the Office determines an applicant's eligibility is considered the applicant's first month of eligibility.

(3) Determination by the Office that an applicant is eligible for an award does not guarantee that an award will be made to the applicant.

F. Notification.

(1) Within 15 calendar days of determining an applicant's eligibility, the Office shall notify the applicant in writing of the outcome of that determination.

(2) If the applicant is found eligible for an award, the notification shall state that, pursuant to Regulation .05 of this chapter:

(a) Awards are made on the basis of assigned award priority and the availability of funding; and

(b) If an award is not made to the applicant on the basis of the applicant's first month of eligibility, the applicant shall be reconsidered for an award during each of the next 2 months.

(3) If the applicant is found ineligible for an award, the Office shall:

(a) Specify the reason for ineligibility; and

(b) Return to the applicant all application materials submitted by the applicant.

COMAR 13A.14.07.05

.05 Awards.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A. For award purposes, the Office shall divide the annual fund allocation into 12 equal monthly funding allocations.

B. Award Priority.

(1) The Office shall assign an award priority to each applicant, with a higher priority being assigned to an applicant with a lower income.

(2) Award priorities are assigned each month according to the incomes of all applicants who are eligible for an award during that month.

C. During each month, the Office shall make awards according to assigned award priority until:

(1) An award has been made to each eligible applicant; or

(2) The monthly funding allocation is exhausted.

D. Within 15 calendar days after the end of each month, the Office shall:

(1) Provide notification of an award to each applicant to whom an award was made during that month; and

(2) Issue instructions for payment of each award made during that month.

E. Reconsideration for Award.

(1) If, due to exhaustion of the monthly funding allocation, an award is not made to an applicant on the basis of the applicant's first month of eligibility, the Office shall reconsider the applicant for an award during the next 2 months.

(2) The Office may assign a new award priority to an applicant during each month that the applicant is reconsidered for an award.

(3) The Office may not reconsider an applicant for an award after the second month following the applicant's first month of eligibility.

F. At the end of a month, any unused funding allocation for that month shall be:

(1) Added to the funding allocation for the next month; and

(2) Available for award purposes during the next month.

G. The Office may make an award for less than the amount requested by the applicant, but may not make an award

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

for more than the amount requested.

COMAR 13A.14.07.06

.06 Prohibitions and Penalties.

A. A person may not knowingly make or cause to be made any false statement or report:

(1) In any application or in any document furnished to the Office under the requirements of this chapter; or

(2) For the purpose of influencing the action of the Office on:

(a) An application for an award, or

(b) Any matter related to an award, whether or not the award may already have been made.

B. A person who violates any provision of this regulation, or who assists another person to violate any provision of this regulation, is guilty of a misdemeanor, and on conviction is subject to:

(1) A fine not exceeding \$1,000;

(2) Imprisonment in the penitentiary not exceeding 1 year; or

(3) Both §B(1) and (2) of this regulation.

COMAR T. 13A, Subt. 14, Ch. 07, Administrative History

COMAR T. 13A, Subt. 14, Ch. 08, Refs & Annos

COMAR 13A.14.08.01

.01 Scope.

A. This chapter governs the process by which an individual or organization may be approved to offer and conduct training required by COMAR 13A.15 and 13A.16.

B. This chapter does not apply to:

(1) Community colleges;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (2) Colleges;
- (3) Universities;
- (4) Approved national organizations that offer training to child care providers; or
- (5) Individuals recognized by the Office as authorities in their field.

COMAR 13A.14.08.02

.02 Definitions.

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

B. Terms Defined.

- (1) “Agency representative” means an individual designated by the Office to determine compliance with this chapter.
- (2) “Applicant” means an individual or organization applying for or approved by the Office to offer training for family day care providers and child care center staff.
- (3) “Approved trainer” means an individual who:
 - (a) Is approved by the Office to offer training to child care providers; or
 - (b) Conducts training under the auspices of an approved organization.
- (4) Assessment.
 - (a) “Assessment” means the method of determining that a training participant has successfully met the objectives of the training.
 - (b) “Assessment” includes, but is not limited to, written or oral tests, demonstration, observation, portfolio, or a combination of methods.
 - (c) “Assessment” does not include general classroom discussion, general group participation, group classroom response, or unanalyzed observations or demonstrations.
- (5) “Child care provider” means a:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (a) Registered family child care provider; or
- (b) Child care center:
 - (i) Operator or director; or
 - (ii) Staff member.
- (6) “Clock hour” means one 1 hour (60 minutes) on the clock.
- (7) “Content area” means a course topic, including:
 - (a) Child development;
 - (b) Curriculum development;
 - (c) Health, safety, and nutrition;
 - (d) Professionalism;
 - (e) Community; and
 - (f) Special needs.
- (8) “Continued training” means ongoing training for the child care community offered through not-for-credit workshops and courses and measured in clock hours.
- (9) “Core of knowledge training” means training that meets the requirements of the core of knowledge for the Maryland Child Care Credential Program under COMAR 13A.14.09.
- (10) “Course” means the 45 clock hour or 90 clock hour training required by COMAR 13A.16 if taken for:
 - (a) College credit; or
 - (b) Noncredit from a college or a trainer approved by the Office.
- (11) “Credential” means the credential from the Maryland Child Care Credential Program.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(12) "Office" means the Office of Credentialing under the Office of Child Care, State Department of Education.

(13) "Organization" means a bona fide incorporated business or professional organization applying or approved by the Office to offer training.

(14) "Preservice training" means course work required at COMAR 13A.16.06 for teachers and child care center directors.

(15) "Trainer" means an individual who presents instruction.

(16) "Training Review Committee" means the group of individuals designated to review the approval process and hear appeals of the decisions of the Office.

COMAR 13A.14.08.03

.03 Requirement to Be Approved.

A. The Office has the sole authority to approve each trainer and training session.

B. An organization or individual may not offer preservice, continued, or core of knowledge training unless the:

(1) Trainer and the training have met the requirements for approval stated in this chapter; and

(2) Trainer possesses a valid certificate of approval issued by the Office.

C. Preservice training shall be offered only by:

(1) A regionally accredited or approved college or university; or

(2) An organization or individual approved by the Office.

D. Continued training may be offered only by:

(1) A regionally accredited or approved college or university;

(2) An approved trainer or training organization with special skills and knowledge relating to the care and education of children or the management of child care programs;

(3) Child care associations approved to conduct or provide training;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(4) The Office of Child Care; or

(5) A local, State, or federal government agency.

E. Core of knowledge training may be offered only by:

(1) A regionally accredited or approved college or university;

(2) Approved trainers or training organizations described in §C of this regulation that meet the requirements of Regulation .07 of this chapter;

(3) The Office of Child Care; or

(4) A local, State, or federal government agency.

F. A certificate of training approval is:

(1) Valid for a period of 4 years from the effective date stated on the certificate; and

(2) Renewable.

COMAR 13A.14.08.04

.04 Application for Approval.

A. Initial Application. An organization or individual that is not currently approved to provide training to child care providers in Maryland shall:

(1) File with the Office a written application and all required information, including:

(a) A completed workshop proposal form, supplied by the Office, for each workshop to be offered;

(b) A detailed plan of instruction, which includes:

(i) Workshop goals and objectives;

(ii) A course syllabus or workshop outline that includes time frames for topics covered;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (iii) Information about how workshop content applies, or can apply, to all children and families, including those with special needs or limited English proficiency skills;
 - (iv) A statement of requirements for successful completion;
 - (v) A statement of the method or tool used for assessment; and
 - (vi) A bibliography;
- (c) Written materials to be used during instruction;
- (d) A sample certificate of completion;
- (e) The evaluation form to be used;
- (f) Documentation that each trainer meets the requirements of Regulation .07 of this chapter;
- (g) A business plan stating:
- (i) Registration practices and procedures; and
 - (ii) Policies and procedures regarding course cancellation, refunds, and attendee notification; and
- (h) For an applicant organization, if required by the Office, a copy of the organization's certification by the Maryland State Department of Assessments and Taxation;
- (2) Attend an orientation session offered by the Office to become acquainted with this chapter;
- (3) Submit documentation of completion within 1 year by the individual, including each individual for whom an organization seeks trainer approval, of at least 6 clock hours of approved training in the training of adults;
- (4) Agree to abide by the ethical standards for approved trainers and training organizations set by the Office; and
- (5) Furnish three letters of reference, not from relatives, that attest to the capabilities of the applicant as a professional trainer.

B. Renewal of Approval. An organization or individual wishing to renew the approval shall file a complete written application and all required forms and information with the Office at least 30 calendar days before the current approval expires.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

C. Response of the Office.

(1) Upon receiving the completed application and all required documentation for a first application or a renewal application, the Office shall determine compliance with the requirements of this chapter by:

(a) Evaluating the application;

(b) Reviewing the required documentation; and

(c) Reviewing any changes related to the applicant which might affect the status of the approval.

(2) Within 60 calendar days of the applicant's completion of the procedures in §A of this regulation, the Office shall:

(a) Issue an approval to offer training to child care providers in accordance with the provisions of this chapter if:

(i) The application is complete;

(ii) All required documentation has been received; and

(iii) The Office is satisfied that the applicant meets the requirements of this chapter;

(b) Deny the initial approval or renewal approval if:

(i) The individual or organization fails to meet the requirements of this chapter;

(ii) The Office's evaluation of the application form reveals that the applicant reported false information;

(iii) The applicant has a documented history of serious or repeated violations of the regulations of Maryland or any other state concerning the care of children or adults that demonstrates a disregard for the health or safety of children;

(iv) The applicant has had an approval denied or withdrawn before the date on the application being considered unless the Office is satisfied that the condition that was the basis for the denial or withdrawal has been corrected; or

(v) Based on an evaluation of the character references received or other pertinent information, the Office finds evidence that raises reasonable doubt that the applicant can provide acceptable child care training.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(3) If the Office denies an application under §C(1) and (2) of this regulation, the Office shall notify the applicant in writing of the denial stating:

- (a) The reason for denial;
- (b) The specific regulation with which the applicant has failed to comply that is the basis for the denial;
- (c) That the applicant may appeal the denial; and
- (d) The procedure to be used if the applicant wishes to appeal the denial.

COMAR 13A.14.08.05

.05 Trainer Requirements.

A. Each individual applying to offer preservice or core of knowledge training shall have:

(1) Attained an associate's, bachelor's, master's, or doctoral degree from an accredited college or university in:

- (a) Early childhood education;
- (b) Elementary education;
- (c) Child development;
- (d) Home economics;
- (e) Nursing;
- (f) Social work;
- (g) Special education; or
- (h) A related field;

(2) Completed at least one course in:

- (a) Child development; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(b) Curriculum development;

(3) As applicable, completed course work requirements of COMAR 13A.16.06 as they apply to the age group covered in the core of knowledge or preservice training; and

(4) At least 4 years of experience working in a child care setting directly with children of the age group to be discussed in the course.

B. Each individual applying to offer continued training shall have at least one of the following:

(1) An associate's, bachelor's, master's, or doctoral degree from an accredited college or university in:

(a) Early childhood education;

(b) Elementary education;

(c) Child development;

(d) Home economics;

(e) Nursing;

(f) Social work;

(g) Special education; or

(h) A related field;

(2) A valid credential or certification in:

(a) Early childhood education;

(b) Elementary education; or

(c) Care of children;

(3) At least 4 years of experience working in a child care setting directly with children of the age group to be discussed in the course; or

(4) A combination of education and experience sufficient to substantiate the applicant's special skills or

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

expertise in the training area.

C. A trainer who does not meet the experience criteria may substitute documentation of employment as an instructor of early childhood education, elementary education, or a related field from an accredited college or university.

D. Each individual, including an individual who provides training for an organization, who becomes approved to offer preservice, continued, or core of knowledge training shall document completion, within the initial 4-year period of approval and each subsequent 4-year period of approval, 12 clock hours of approved training related to:

(1) The training of adults; or

(2) The discipline for which the individual is approved.

E. An organization or individual applying to offer preservice training, continued training, or core of knowledge training may not:

(1) Be the subject of an action to suspend or revoke a child care center license or family day care registration;

(2) Have a documented history of regulatory violations; or

(3) Have had a child care center license or a family day care registration suspended or revoked.

COMAR 13A.14.08.06

.06 Conflict of Interest.

A. If an approved trainer provides training to a coworker that the coworker intends to use to satisfy applicable staff training requirements under COMAR 13A.16, the trainer shall notify the coworker that the training may not count toward satisfaction of those requirements.

B. If the trainer is an employee of a child care center, the trainer may not provide training for the staff of that center.

COMAR 13A.14.08.07

.07 Administrative Responsibilities.

An approved individual or organization shall:

A. For a period of 4 years, maintain records for each trainer, including:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(1) The trainer's application and any documentation of qualifications;

(2) Topics the trainer is approved to teach; and

(3) The age group or groups for which the trainer is approved;

B. For a period of 4 years, maintain records of training provided, including the:

(1) Title of the workshop or course;

(2) Workshop or course synopsis;

(3) Number of clock hours;

(4) Description of the population attending the workshop or course;

(5) Dates each workshop or course was presented;

(6) Names of the individuals attending each workshop or course;

(7) Completed evaluation forms; and

(8) Documentation of the assessment for successful completion used;

C. Provide each training participant with a signed certificate or receipt indicating successful completion of each workshop or course which includes the:

(1) Title of the workshop or course;

(2) Number of clock hours received;

(3) Date of the workshop or course;

(4) Content area;

(5) Name of the presenter;

(6) Approval number assigned by the Office; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(7) If applicable, logo or name of the sponsoring organization;

D. Provide to the Office a quarterly report of training activities on a form supplied by the Office, which includes for each workshop or course the:

(1) Title;

(2) Date of presentation; and

(3) Name of each individual who attended; and

E. Have on file and make available upon request by the Office a statement of business practices, which includes policies on:

(1) Registration;

(2) Fee structure;

(3) Session cancellation;

(4) Refunds;

(5) The requirements for successful completion; and

(6) The issuance of training certificates.

COMAR 13A.14.08.08

.08 Complaints.

The Office shall:

A. Investigate each complaint pertaining to the notice, content, or quality of training offered by an approved trainer or training organization; and

B. Prepare a written report of the findings of the investigation.

COMAR 13A.14.08.09

.09 Monitoring.

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A. An approved trainer shall:

- (1) Permit observation of training by an agency representative at any time during the training; and
- (2) Upon request, make the records required by this chapter available to an agency representative.

B. An agency representative may observe a training session without prior notice to the trainer.

C. An approved trainer may request satisfactory identification from an agency representative.

COMAR 13A.14.08.10

.10 Sanctions.

A. If an approved trainer or training organization violates a requirement under this chapter or is the subject of an action to suspend or revoke a child care license or family day care registration, the Office may:

- (1) Enter into an agreement with the approved individual or organization detailing requirements for remedying the violation and achieving compliance; or
- (2) Withdraw the approval.

B. If the Office decides to withdraw the approval, the Office shall notify the approved trainer or training organization in writing 20 calendar days before the effective date of the withdrawal, stating the:

- (1) Effective date of the withdrawal;
- (2) Reason for the withdrawal;
- (3) Regulatory violation which is the basis for the withdrawal; and
- (4) Right of the trainer or organization to appeal the decision of the Office.

COMAR 13A.14.08.11

.11 Appeal.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A. An appeal may be requested regarding a decision of the Office to deny or withdraw the approval of:

- (1) An individual trainer;
- (2) A training organization; or
- (3) A specific training.

B. An appeal shall be submitted to the Office in writing, on a form supplied by the Office, within 30 days after the date of the denial or withdrawal letter.

C. The Training Review Committee shall:

- (1) Have full and final authority to hear and decide each appeal;
- (2) Render its decision on an appeal within 30 calendar days of the appeal filing; and
- (3) Within 5 working days after rendering a decision, notify the appellant of that decision.

D. If the Training Review Committee upholds the appeal, the Office shall grant or reinstate the approval, in writing, within 5 working days of the decision of the Committee.

COMAR T. 13A, Subt. 14, Ch. 08, Administrative History

COMAR T. 13A, Subt. 14, Ch. 09, Refs & Annos

COMAR 13A.14.09.01

.01 Scope.

This chapter governs the operation of the Maryland Child Care Credential Program and sets forth the:

- A. Requirements for participation in the program;
- B. Process for application into the program;
- C. Basis and procedure for making determinations and awards; and
- D. Penalties for providing false information in order to obtain an award.

COMAR 13A.14.09.02

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

.02 Definitions.

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

B. Terms Defined.

(1) "Accreditation" means the assessment of a facility by an accreditation organization approved by the Office, such as the:

(a) Maryland State Department of Education;

(b) National Association for the Education of Young Children;

(c) National Association for Family Child Care;

(d) National Early Childhood Professional Accreditation; or

(e) National After School Association.

(2) "Annual family income" means the combined annual adjusted gross income, as reported for federal tax purposes, of all members of the applicant's household.

(3) "Applicant" means an individual applying for:

(a) Participation in the credential program;

(b) Funding through training vouchers; or

(c) Funding through the Child Care Career and Professional Development Fund.

(4) "Approved course work" means approved courses taken for credit from a regionally accredited college or university that includes at least one course in each of the following topic areas:

(a) Child development;

(b) Early childhood materials and methods;

(c) Special education;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(d) Administration and management of a child care program;

(e) Infants and toddlers;

(f) School-age children;

(g) Health, safety, and nutrition; and

(h) Language and literacy.

(5) “Approved degree program” means a program of college courses leading to a degree in:

(a) Early childhood education;

(b) Child development;

(c) Elementary education; or

(d) A related field as approved by the Office.

(6) “Approved setting” means a:

(a) Licensed child care center;

(b) Registered family day care home;

(c) Nursery school;

(d) Public or private school;

(e) Parks and recreation program; or

(f) Similar program recognized by the Office of Child Care.

(7) “Approved trainer” means an individual or organization that has been evaluated and approved by the Office to offer training to child care providers.

(8) “Award” means any payment of money, or the issuance of a training voucher, by the Office under this

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

chapter.

(9) “Benefits” means one or more employer incentives available to child care program staff that include, but are not limited to, health coverage, 401K plan, profit sharing, paid vacation leave, sick leave, holiday leave, and release time for training.

(10) “Child care professional activity” means an activity or group of activities related to the child care profession, such as:

(a) Professional association membership;

(b) Work with State or national accreditation organizations;

(c) Peer mentoring; or

(d) Conducting training.

(11) “Child care professional activity unit” means the amount of credit given to an individual professional activity for the purpose of determining a credential level.

(12) “Clock hour” means 1 hour (60 minutes) on the clock.

(13) “College” means an accredited college or university that is approved by the Office.

(14) “Continued training” means training that is taken on an annual or continuing basis to fulfill the requirements of this chapter and of:

(a) COMAR 13A.15; or

(b) COMAR 13A.16.

(15) “Core of knowledge” means the competencies, which include child development, curriculum, special needs, professionalism, community and health, safety, and nutrition, that are identified by the Office as essential for all individuals working in the child care delivery system.

(16) “Core of knowledge training” means training that has been evaluated and approved by the Office as meeting the standards for the core of knowledge and the requirements of:

(a) COMAR 13A.15; or

(b) COMAR 13A.16.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (17) “Credential” means the credential from the Maryland Child Care Credential Program.
- (18) “Credential level” means a level of the Maryland Child Care Credential program that designates achievement of a predetermined amount of professional education, experience, and activity.
- (19) “Credential program bonus” means a cash payment awarded to a program participant who achieves, or renews program participation at, a specified credential level.
- (20) “Degree” means the completion of a course of study from an accredited college or university located in:
- (a) The United States;
 - (b) A United States territory; or
 - (c) A foreign country, if the degree has been:
 - (i) Translated into English; and
 - (ii) Determined to meet standards equivalent to a degree issued in the United States.
- (21) “Experience” means working directly with children in a:
- (a) Registered family day care home; or
 - (b) Supervised program, such as a:
 - (i) Child care center;
 - (ii) Nursery school;
 - (iii) Public or private school;
 - (iv) Parks and recreation program; or
 - (v) Similar program recognized by the Office of Child Care.
- (22) “Facility” means a registered family day care home or a licensed child care center.
- (23) “Fund” means the Child Care Career and Professional Development Fund.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (24) “Grantee” means an individual who has received an award under this chapter.
- (25) “Lead staff” means the director of a child care facility or a facility staff member designated to be in charge of the facility or a classroom of children at a given time during the facility’s approved hours of operation.
- (26) “Office” means the Office of Credentialing under the Office of Child Care, State Department of Education
- (27) “One year of college” means the successful completion of 30 semester hours of college course work.
- (28) “One year of college course work” means not less than 30 semester hours of course work from a regionally accredited college or university that have been successfully completed for credit.
- (29) “One year of experience” means:
- (a) 1,800 clock hours of experience working with children from birth through 5 years old; or
 - (b) 400 clock hours of experience working with children 6 years old through 16 years old.
- (30) “Participant” means an individual who participates in the Maryland Child Care Credential program.
- (31) “Points” means the numerical value assigned to a specified activity or accomplishment that may be counted toward qualification for a specified credential level.
- (32) “Pre-service training” means training that is received:
- (a) Through a college or university; or
 - (b) To meet initial employment qualifications for child care center staff members as set forth under COMAR 13A.16.06.
- (33) “Provider” means:
- (a) A registered family day care provider or co-provider;
 - (b) An approved additional adult in a registered family day care home, as identified at COMAR 13A.15.06.04;
 - (c) A child care center:
 - (i) Director, as identified at COMAR 13A.16.06.06-.08; or

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(ii) Staff member; or

(d) In a letter of compliance facility, the child care program director or a staff member.

(34) “Related discipline” means the completion of at least 15 semester hours of approved core of knowledge coursework.

(35) “Staff member” means an individual who works with children in a licensed child care center or a letter of compliance facility and meets the requirements of COMAR 13A.16.01.02B(54) or COMAR 13A.17.01.02B(43), as applicable.

(36) “Successful completion” means meeting the requirements of a workshop, seminar, or other course and:

(37) “Tiered reimbursement” means a system of graduated child care subsidy payments made to an eligible child care provider or a child care facility operator pursuant to COMAR 13A.14.06 that is based on achievement by the provider or operator of successive levels of child care program quality and staff professionalism.

(a) Earning a grade of “C” or higher; or

(b) Receiving documentation of completion.

(38) “Training” means a workshop, seminar, or other course, whether completed for credit or noncredit, that is offered by a college, university, or approved trainer.

(39) “Training voucher” means a coupon given by the Office to a participant to purchase training from an approved training source.

(40) “Transcript” means an official statement from a college or university which identifies the:

(a) Student;

(b) Institution;

(c) Primary course of study;

(d) Dates of attendance;

(e) Courses taken;

(f) Grades received;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(g) Number of hours completed; and

(h) Degree awarded, if applicable, and the date of the award.

COMAR 13A.14.09.03

.03 General Requirements.

A. To qualify at each credential level, an applicant shall meet the requirements for that level.

B. Eligibility for Participation.

(1) Participation in the credential program is limited to providers, as defined at Regulation .02B(31) of this chapter.

(2) The following individuals are not eligible to participate in the credential program:

(a) Substitutes;

(b) Volunteers who do not regularly serve on a full-time basis as staff members, as defined at COMAR 13A.16.01.02B(54) or COMAR 13A.17.01.02B(43), as applicable;

(c) A family day care provider, child care center operator, or letter of compliance facility operator whose registration certificate, center license, or letter of compliance is the subject of suspension or revocation action; and

(d) As of September 1, 2007, a provider who has a documented history of confirmed complaints involving serious harm to a child in care including but not limited to child abuse, child neglect, injurious treatment of a child, or child supervision.

C. Upon applying to participate in the credential program, an applicant shall agree to:

(1) Continue working in a child care setting for not less than 1 year from the date of acceptance into the credentialing program;

(2) Complete continued training for the applicable credential level under Regulation .04 of this chapter; and

(3) Pursuant to Regulation .04 of this chapter, complete the appropriate number of child care professional activity units for the applicable credential level.

D. Term and Renewal of Credential. At each credential level, a credential:

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) Is issued for a 12-month period; and
- (2) May be renewed annually under Regulation .05D of this chapter.

COMAR 13A.14.09.04

.04 Child Care Credential Requirements.

A. Staff Credential 1. The only qualification for a level 1 credential shall be:

- (1) Current registration as a family day care provider or co-provider;
- (2) Qualification by the Office as a child care center:
 - (a) Director; or
 - (b) Staff member; or
- (3) Current employment as the child care program director or a staff member in a letter of compliance facility.

B. Staff Credential 2. Qualification for a level 2 credential requires:

- (1) Successful completion of 45 clock hours of core of knowledge training, of which 20 clock hours shall be in child development; and
- (2) Completion of one child care professional activity unit within the 12 months before applying for participation.

C. Staff Credential 3. Qualification for a level 3 credential requires:

- (1) Successful completion of 90 clock hours of core of knowledge training, of which a minimum of 20 clock hours each shall be in child development and in curriculum development;
- (2) Completion of two child care professional activity units within the 12 months before applying for participation; and
- (3) Completion of:
 - (a) 1 year of experience working directly with children in an approved setting;

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(b) 1 year of college; or

(c) A combination of experience and college equal to 1 year.

D. Staff Credential 4. Qualification for a level 4 credential requires:

(1) Successful completion of 135 clock hours of core of knowledge training, consisting of:

(a) 45 clock hours in child development;

(b) 30 clock hours in curriculum development;

(c) 20 clock hours in health, safety, and nutrition;

(d) 15 clock hours in special needs;

(e) 15 clock hours in professionalism; and

(f) 10 clock hours in community issues;

(2) Completion of three child care professional activity units within the 12 months before applying for participation; and

(3) Completion of 2 years of experience working directly with children in an approved setting.

E. Staff Credential 4 Plus. Qualification for a level 4 plus credential requires a participant to:

(1) Successfully complete 135 clock hours of core of knowledge training consisting of:

(a) 45 clock hours in child development;

(b) 30 clock hours in curriculum development;

(c) 20 clock hours in health, safety, and nutrition;

(d) 15 clock hours in special needs;

(e) 15 clock hours in professionalism; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(f) 10 clock hours in community issues;

(2) Take part in at least four child care professional activity units within the 12 months before applying for participation;

(3) Complete a minimum of 2 years of experience working directly with children in an approved setting; and

(4) Meet one of the following requirements:

(a) Hold current Family Day Care Program Accreditation;

(b) Complete at least:

(i) 15 semester hours of approved course work that includes courses in child development and curriculum planning; and

(ii) 7 additional years of experience working with children in an approved setting; or

(c) Enroll in an approved degree program that includes at least one early childhood course and accumulate 55 points by earning 5 points for completing each additional:

(i) Early childhood course for credit; or

(ii) Year of experience working with children in an approved setting.

F. Staff Credential 5. Qualification for a level 5 credential requires a participant to:

(1) Complete a minimum of 2 years of experience working directly with children in an approved setting;

(2) Take part in four child care professional activity units; and

(3) Complete one of the following:

(a) An associate degree with 15 semester hours of approved course work that includes courses in child development and curriculum planning;

(b) 30 semester hours of approved course work that includes at least one course in each of the following areas:

(i) Child development;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (ii) Curriculum planning;
- (iii) Health and safety;
- (iv) Special needs;
- (v) Working with school-age children;
- (vi) Working with infant and toddler-age children;
- (vii) Language and literacy; and
- (viii) Administration of child care programs; or

(c) 15 semester hours of approved course work, enroll in an approved degree program, and accumulate 45 points by earning 5 points for completing each additional:

- (i) Early childhood course for credit; or
- (ii) Year of experience working with children in an approved setting.

G. Staff Credential 6. Qualification for a level 6 credential requires a participant to complete:

- (1) At least 2 years of experience working directly with children in an approved setting;
- (2) At least 5 child care professional activity units within the 12 months before applying for participation; and
- (3) One of the following:
 - (a) A bachelor's, master's, or doctoral degree from an accredited college or university in:
 - (i) Early childhood education;
 - (ii) Elementary education;
 - (iii) Special education;
 - (iv) Family studies;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (v) Child development; or
 - (vi) A related discipline; and
- (b) At least one course in:
- (i) Child development; and
 - (ii) Curriculum development; or
- (c) Complete:
- (i) A bachelor's, master's, or doctoral degree in a nonrelated field; and
 - (ii) 30 semester hours of approved course work that includes courses in child development and curriculum planning; or
- (d) Complete an associate or higher degree with 15 semester hours of approved course work, enroll in an approved degree program, and accumulate 45 points by earning 5 points for each additional:
- (i) Early childhood course for credit; or
 - (ii) Year of experience working with children in an approved setting.

H. Administrator Credential 1. Qualification for a level 1 credential requires completion of:

- (1) 2 years of experience working directly with children in an approved setting;
- (2) Four child care professional activity units within the 12 months before applying for participation; and
- (3) 240 clock hours of core of knowledge training, consisting of:
 - (a) 45 clock hours in child development;
 - (b) 45 clock hours in curriculum development;
 - (c) 45 clock hours in health, safety, and nutrition;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (d) 45 clock hours in special needs;
- (e) 45 clock hours in professionalism; and
- (f) 15 clock hours in community issues.

I. Administrator Credential 2. Qualification for a level 2 credential requires completion of:

- (1) 2 years of experience working directly with children in an approved setting;
- (2) Five child care professional activity units within the 12 months before applying for participation;
- (3) 240 clock hours of core of knowledge training consisting of:
 - (a) 45 clock hours in child development;
 - (b) 45 clock hours in curriculum development;
 - (c) 45 clock hours in health, safety, and nutrition;
 - (d) 45 clock hours in special needs;
 - (e) 45 clock hours in professionalism; and
 - (f) 15 clock hours in community issues; and
- (4) Either:
 - (a) The National Administrator's Credential; or
 - (b) At least 30 semester hours of college course work in an approved course of study.

J. Administrator Credential 3. Qualification for a level 3 credential requires completion of:

- (1) 4 years of experience working directly with children in an approved setting;
- (2) Five child care professional activity units within the 12 months before applying for participation; and
- (3) An associate degree from an accredited college that includes:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(a) 15 semester hours of course work related to business management or administration; and

(b) One course for credit in each of the following areas:

(i) Child development;

(ii) Curriculum development; and

(iii) Administration of child care programs.

K. Administrator Credential 4. Qualification for a level 4 credential requires completion of:

(1) 5 years of experience working directly with children in an approved setting;

(2) Six child care professional activity units within the 12 months before applying for participation;

(3) 45 clock hours of training in the area of mentoring and coaching staff;

(4) A bachelor's, master's, or doctoral degree from an accredited college or university in:

(a) Business administration;

(b) Public administration and management;

(c) Public school administration; or

(d) A related discipline; and

(5) One course for credit in each of the following areas:

(a) Child development;

(b) Curriculum development; and

(c) Administration of child care programs.

COMAR 13A.14.09.05

.05 Application for Credential.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A. A separate application is required for each level of a Staff Credential or an Administrator Credential.

B. Application for Participation.

(1) The Office shall accept applications only from individuals.

(2) To participate, each applicant shall submit to the Office a complete application, which includes:

(a) An application form, supplied by the Office, which is completed and signed by the applicant;

(b) Documentation of all:

(i) Workshops, conferences, and seminars completed within 5 years before the date of application;

(ii) College course work for credit, preservice course work, Child Development Associate certification, or military child development training regardless of date completed; and

(c) Documentation of participation in child care professional activities which includes but is not limited to a canceled check, membership card, letter of participation, or certificate of recognition.

(3) An applicant for a Staff Credential or Administrator Credential at level 2 or higher shall submit:

(a) All documentation specified in §B(2) of this regulation; and

(b) Documentation of experience, which shall consist of:

(i) A letter from each employer that states the dates of employment, position held, and age group of children worked with;

(ii) A copy of the applicant's college transcript indicating 1 year of college course work; or

(iii) A copy of the applicant's current family day care registration certificate.

(4) An applicant for a Staff Credential 5, Staff Credential 6, Administrator Credential 3, or Administrator Credential 4 shall submit:

(a) All documentation specified in §B(2) and (3) of this regulation; and

(b) Documentation of the applicant's college degree, which shall consist of a copy of the:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(i) Awarded diploma; and

(ii) College transcript.

C. The Office may not accept a foreign diploma or academic transcript for credential application purposes unless it has been translated and evaluated by an approved evaluation organization.

D. Notification to Applicant. Within 30 days of receiving an application, the Office shall notify the applicant of the status of the application.

E. Renewal. Within 30 days after the credential expires, a participant who wants to renew shall submit to the Office:

(1) A completed application for renewal; and

(2) Documentation that each of the following has occurred, as required, during the 12-month period for which the credential was issued:

(a) Continued employment; and

(b) Completion of the following continuing training and child care professional activity unit requirements applicable to the participant's credential level:

Level	Continued Child Care Professional	
	Training	Activity Units
Staff Credential 2	12	1
Staff Credential 3	18	2
Staff Credential 4	24	3
Staff Credential 4 Plus	24	4
Staff Credential 5	24	4
Staff Credential 6	24	5

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

Administrator Credential 1	24	4
Administrator Credential 2	30	5
Administrator Credential 3	30	5
Administrator Credential 4	30	6

COMAR 13A.14.09.06

.06 Credential Program Bonus.

A. Achievement Bonus. A program participant shall receive an achievement bonus upon:

- (1) Initial entry into the credential program at Staff Credential or Administrator Credential level 2 or higher;
- (2) Achievement thereafter of each successively higher credential level; and
- (3) For Staff Credential levels 4 Plus through 6 and Administrator Credential levels 2 through 4, completion of each 12-month period at the current credential level.

B. Renewal Bonus. A program participant shall receive a renewal bonus:

- (1) For Staff Credential levels 2 through 4 and Administrator Credential level 1, one time upon renewal at the current credential level; and
- (2) For Staff Credential levels 4 Plus through 6 and Administrator Credential levels 2 through 4, at each renewal at the current level.

C. To receive an achievement bonus, a participant shall:

- (1) Meet the requirements for Staff Credential or Administrator Credential level 2 or higher as set forth at Regulation .04B or I, as applicable, of this chapter; and
- (2) File a renewal application pursuant to Regulation .05E of this chapter.

D. Upon verification by the Office that the participant has met the requirements for an achievement bonus or a renewal bonus, the Office shall award a bonus of at least the amount set forth in the following schedule:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

Level	Achievement Bonus	Renewal Bonus
Staff Credential 1	No Award	No Award
Staff Credential 2	\$100	\$100
Staff Credential 3	\$150	\$150
Staff Credential 4	\$250	\$250
Staff Credential 4 Plus	\$300	\$300
Staff Credential 5	\$375	\$375
Staff Credential 6	\$500	\$500
Administrator Credential 1	\$300	\$300
Administrator Credential 2	\$375	\$375
Administrator Credential 3	\$500	\$500
Administrator Credential 4	\$750	\$750

COMAR 13A.14.09.07

.07 Training Vouchers and Reimbursement.

A. Eligibility for a training voucher or reimbursement is limited to individuals participating in the credential program at level two or higher.

B. During the 12-month credential period, a participant may receive not more than \$400 in training vouchers and reimbursements to pay for the cost of approved core of knowledge training.

C. Application for Training Vouchers.

(1) The Office shall accept an application for a training voucher only from an individual.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(2) Not less than 60 days before the date of the training for which the voucher will be used, the individual shall submit to the Office a complete application, which includes:

(a) An application form, supplied by the Office, that is completed and signed by the participant; and

(b) Documentation of the training for which the voucher will be used, which shall include a copy of the:

(i) Course catalog description;

(ii) Completed registration form; or

(iii) Training advertisement.

D. Subject to funding availability, the Office shall, within 30 days of the receipt of the application, approve an applicant to receive a training voucher if the:

(1) Application is received not less than 60 days before the training date;

(2) Application is complete;

(3) Amount requested does not exceed \$400; and

(4) Applicant is eligible to receive a voucher.

E. Application for Training Reimbursement.

(1) Instead of a training voucher, an individual may request and receive reimbursement for training if the:

(a) Individual is participating in the credential program at level two or higher;

(b) Training meets the requirements of the core of knowledge;

(c) Training has been successfully completed not more than 120 days before the date of the request; and

(d) Individual has not received more than \$400 in training vouchers or reimbursements within the preceding 12-month period.

(2) Not more than 120 days after the successful completion of the training for which the reimbursement is sought, the individual shall submit to the Office a complete application, which includes:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (a) An application form, supplied by the Office, that is completed and signed by the participant; and
- (b) Documentation of the training for which the reimbursement is sought, which shall include a copy of the:
 - (i) Course catalog description or training advertisement; and
 - (ii) Grade slip, transcript, or certificate of completion.
- (3) Subject to funding availability, the Office shall, within 30 days of the receipt of the application, approve an applicant to receive training reimbursement if the:
 - (a) Application is received not later than 120 days after the completion of training;
 - (b) Application is complete;
 - (c) Amount requested does not exceed \$400; and
 - (d) Applicant is eligible to receive a reimbursement.

F. If the applicant is eligible, the Office shall:

- (1) Award a training voucher to the applicant for the training and the amount specified on the application; or
- (2) Issue instructions for payment of training reimbursement.

G. If the applicant is found ineligible for an award, the Office shall:

- (1) Provide written notification to the applicant of the determination of ineligibility; and
- (2) Return to the applicant all application materials submitted.

H. Assignment of Awards.

- (1) Funding for training vouchers and reimbursement is provided to the Office on an annual basis.
- (2) For award purposes, the Office shall divide the annual allocation for training vouchers and reimbursement into 12 equal monthly funding allocations.
- (3) Awards are assigned each month according to the incomes of all applicants who are eligible for an award during that month, with higher priority given to lower income applicants.

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(4) During each month, applicants whose annual family income does not exceed the State median income for their family size during the current October 1 through September 30 period shall be given priority to receive training vouchers or reimbursement during that month.

(5) State Median Income (SMI).

(a) The Office shall amend this regulation annually to show the SMI for family size for the current October 1 through September 30 period.

(b) For the period October 1, 2006, through September 30, 2007, the SMI for family size is as follows:

Family Size	SMI
1 individual	\$46,596
2 individuals	\$60,933
3 individuals	\$75,270
4 individuals	\$89,608
5 individuals	\$103,945
6 individuals	\$118,283
7 individuals	\$120,971
8 individuals	\$123,659
9 individuals	\$126,348
10 individuals*	\$129,036

*For each additional family member above 10 individuals, add \$2,688 to the SMI figure shown for a family of 10.

(c) Until each annual amendment of this regulation becomes effective, the Office shall continue to apply the SMI applicable to the most recent October 1 through September 30 period.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(6) During each month, the Office shall make training voucher and reimbursement awards according to assigned award priority until:

(a) An award has been made to each eligible applicant; or

(b) The monthly funding allocation is exhausted.

(7) At the end of a month, any unused funding allocation for that month shall be:

(a) Added to the funding allocation for the next month; and

(b) Available for award purposes during the next month.

I. Upon successful completion of the workshop, seminar, or other course for which a training voucher was issued and used, the participant shall provide to the Office a copy of the:

(1) Transcript;

(2) Grade slip;

(3) Certificate; or

(4) Documentation given by the instructor that indicates successful completion of the training.

COMAR 13A.14.09.08

.08 Child Care Career and Professional Development Fund.

A. Fund Uses and Limitations. An award under the Fund:

(1) Shall be:

(a) Applied toward the cost of:

(i) Tuition;

(ii) College fees; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(iii) Books; and

(b) Used by a grantee only for the actual expense of college course work incurred subsequent to an award toward completion of:

(i) A college degree in early childhood education or a related field; or

(ii) Developmental course work needed to meet prerequisites for a degree program in early childhood education or a related field.

(2) May not be used to pay for fees or costs, including tuition costs, previously incurred for college enrollment or attendance purposes.

B. Eligibility to submit an application is limited to individuals who:

(1) Are participating in the credential program;

(2) Have at least 1 year of documented experience working with groups of children in an approved setting; or

(3) Have been accepted by an accredited college or university for enrollment in one or more college courses for credit toward a degree in early childhood education or a related field.

C. Applications.

(1) The Office shall accept an application only from a provider, as defined at Regulation .02 of this chapter.

(2) To apply for the Fund, the applicant shall submit to the Office a complete application, which includes:

(a) An application form, supplied by the Office, which is completed and signed by the applicant; and

(b) All documentation required by the application form supplied by the Office.

(3) Priority for an award shall be given to applicants who have not completed any college courses for credit from an accredited college or university.

(4) Subject to funding availability, the Office shall approve an applicant to receive an award if the:

(a) Application is complete;

(b) Amount requested does not exceed the actual cost of the college tuition and related fees;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (c) College has been approved to participate in the Fund; and
- (d) Applicant is eligible to receive an award.
- (5) Upon determination by the Office that an applicant is eligible to receive an award and that funding is available:
 - (a) The applicant shall receive an award; and
 - (b) An award letter shall be issued stating the amount of the award.
- (6) If an eligible applicant is denied an award due to insufficient award funds, the individual shall reapply in order to be considered for a future award.
- (7) If an applicant is found ineligible for an award, the Office shall:
 - (a) Provide written notification to the applicant of the determination of ineligibility; and
 - (b) Return to the applicant all application materials submitted.
- (8) Assignment of Awards.
 - (a) Funding for the Child Care Career and Professional Development Fund awards is provided to the Office on an annual basis.
 - (b) The Office shall make awards until:
 - (i) An award has been made to each eligible applicant who has submitted a complete application; or
 - (ii) The funding allocation is exhausted.

D. Continuation and Service Requirement. Upon receipt of a Child Care Career and Professional Development Fund award, a grantee shall:

- (1) Be eligible for continued funding as long as:
 - (a) An academic grade-point average of 2.5 or higher is maintained in all course work pursued in satisfaction of award requirements;
 - (b) The grantee is employed as a provider in an approved child care facility;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(c) The grantee successfully completes at least two courses during each 12-month period of the grantee's award; and

(d) The approved course of study is pursued;

(2) In relation to the number of college credits, or equivalent, completed or the degree earned due in part or in whole to receipt of a Fund award, commit to continuing employment as a provider for a period of time which is the shortest of:

(a) 1 month for each college credit successfully completed;

(b) 2 years for a completed associate degree; or

(c) 4 years for a completed bachelor's degree;

(3) If the grantee's academic grade-point average falls below 2.5, agree to a plan of action established by the Office and the college in order to continue participation in the Fund; and

(4) If the grantee does not comply with the plan of action specified in §D(3) of this regulation, be ineligible to receive a future Fund award.

COMAR 13A.14.09.09

.09 Tiered Reimbursement.

A. Application for Participation.

(1) The Office shall accept an application to participate in the tiered reimbursement program only from:

(a) A registered family day care provider who is currently providing child care for at least one unrelated child; or

(b) An operator of a licensed child care center or letter of compliance facility.

(2) An applicant for tiered program participation shall make application in a form and format approved by the Office.

(3) The Office may not consider an application for approval until the applicant has met all requirements set forth in §§B-E of this regulation as applicable.

B. Applicant Requirements-General. An applicant shall:

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) Be currently registered or licensed by the Office of Child Care, Division of Early Childhood Development;
- (2) Hold a family child care registration, child care center license, or letter of compliance that is not the subject of suspension or revocation action;
- (3) Possess the appropriate level of credential for:
 - (a) A family child care provider; or
 - (b) A minimum of 60 percent of lead staff, if the applicant is the operator of a child care center or a letter of compliance facility;
- (4) Certify that at least 15 minutes are spent daily on reading time with the children in care; and
- (5) If applicable, certify that a policy is in place that bases child care staff salaries on training, experience, and staff evaluation.

C. Applicants for Tiered Reimbursement, Level 2-Special Requirements. An applicant shall:

- (1) Comply with the requirements in §A(2) of this regulation;
- (2) Initiate a program of accreditation self-study through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;
- (3) Be approved at Credential Level 2;
- (4) Certify that parents are involved in the program in at least two ways; and
- (5) Certify that a nationally recognized rating scale approved by the Office of Child Care, Division of Early Childhood Development, that is appropriate to the setting and age of the children in care has been self-administered.

D. Applicants for Tiered Reimbursement, Level 3-Special Requirements. An applicant shall:

- (1) Comply with requirements in §A(2) of this regulation;
- (2) Complete a program of accreditation self-study through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(3) Be approved at Credential Level 3;

(4) Certify that parents are involved in the program in at least four ways; and

(5) As administered by an Office of Child Care, Division of Early Childhood Development, approved evaluator, achieve a rating of four on a nationally recognized rating scale that is appropriate to the setting and ages of the children in care.

E. Applicants for Tiered Reimbursement, Level 4-Special Requirements. An applicant shall:

(1) Comply with requirements in §A(2) of this regulation;

(2) Achieve program accreditation through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;

(3) Be approved at Credential Level 4;

(4) Certify that parents are involved in the program in at least six ways;

(5) Except if the program received accreditation during the previous 12-month period, and as administered by an Office of Child Care, Division of Early Childhood Development, approved evaluator, achieve a rating of five on a nationally recognized rating scale that is appropriate to the setting and age of the children in care; and

(6) If applicable, certify that a policy is in place that offers child care staff benefits based on training, experience, and staff evaluation.

F. A family child care provider or the operator of a child care center or letter of compliance facility may reapply annually under §A(1) of this regulation.

G. Denial of Application for Participation.

(1) The Office may deny an application for participation in the tiered reimbursement program. Notice of the denial shall include the:

(a) Reason for the denial;

(b) Regulatory basis for the denial; and

(c) Procedures for appealing the decision.

(2) A family child care provider or the operator of a child care center or letter of compliance facility who is

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

denied participation in the tiered reimbursement program by the Office may request an appeal of the decision to the Office's Training Review Committee.

(3) An applicant may appeal a denial of program participation by submitting to the Office a written appeal, on a form supplied by the Office, within 30 days of the date of application denial.

(4) The Office's Training Review Committee shall:

(a) Reach a decision regarding the appeal within 30 days of receiving the appeal; and

(b) Notify the appellant in writing within 30 days after the appeal decision has been reached.

(5) If a denial of an application for tiered reimbursement program participation is overturned on appeal to the Training Review Committee, the Office shall approve the application retroactively to the initial application date.

COMAR 13A.14.09.10

.10 Prohibitions and Penalties.

A. An applicant, participant, or grantee may not knowingly make or cause to be made any false statement or report:

(1) In an application or documentation furnished to the Office under the requirements of this chapter; or

(2) For the purpose of influencing the action of the Office on any matter related to an award, either before or after an award has been made.

B. Violation of §A of this regulation shall result in:

(1) Forfeiture of any claim to a:

(a) Training voucher;

(b) Bonus award;

(c) Tiered reimbursement payment eligibility pursuant to COMAR 13A.14.06; or

(d) Child Care Career and Professional Development Fund award; and

(2) Denial of initial or continued participation in the credential program or tiered reimbursement program, as

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

applicable.

C. If a participant uses a training voucher and, without good cause, fails to comply with the requirements of Regulation .071 of this chapter, the participant shall be:

- (1) Ineligible to receive further training vouchers; and
- (2) Required to repay the amount of the training voucher to the Office.

D. If a participant receives an award through the Fund and, without good cause, fails to comply with the requirements of Regulation .08C of this chapter, the participant shall be:

- (1) Ineligible to receive a future award; and
- (2) Required to repay the amount of the award to the Office in proportion to the remaining employment commitment set forth at Regulation .08C(2) of this chapter.

COMAR T. 13A, Subt. 14, Ch. 09, Administrative History

COMAR T. 13A, Subt. 14, Ch. 10, Refs & Annos

COMAR 13A.14.10.01

.01 Scope.

This chapter governs the operation of the Child Care Accreditation Support Fund and sets forth the:

- A. Requirements for applying for an award under the Fund;
- B. Basis and procedure for making an award; and
- C. Penalties for providing false information in order to obtain an award.

COMAR 13A.14.10.02

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(1) “Accreditation” means the assessment of a facility by an accreditation organization approved by the Office, such as the:

- (a) Maryland State Department of Education;
- (b) National Association for the Education of Young Children;
- (c) National Association for Family Child Care;
- (d) National Early Childhood Professional Accreditation;
- (e) National School Age Child Care Association; or
- (f) National Accreditation Commission.

(2) “Applicant” means an individual applying for funding through the accreditation support fund.

(3) “Application fee” means:

(a) A fee charged by an approved accreditation organization for:

- (i) Initial application;
- (ii) Renewal of application;
- (iii) Self-study; or
- (iv) Annual Report; or

(b) Any other fee imposed by the accreditation organization related to an application for, the renewal of, or the maintenance of an accreditation.

(4) “Award” means any payment of money made by the Office under this chapter.

(5) “Facility” means a registered family child care home or a licensed child care center.

(6) “Fund” means the Child Care Accreditation Support Fund.

(7) “Grantee” means an individual who has received an award under this chapter.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(8) “Office” means the Credentialing Branch under the Office of Child Care, Division of Early Childhood Development, in the State Department of Education.

(9) “Program” means the staff, facility, environment, and overall organization of a family child care home or child care center.

(10) “Program improvement cost” means a cost incurred in purchasing approved instructional materials to meet MSDE accreditation standards.

(11) “Provider” means a:

(a) Registered family child care provider; or

(b) A child care center:

(i) Operator or director; or

(ii) Staff member.

(10) “Self-study” means the instrument issued by the accreditation organization for use by the provider to assess the child care facility.

COMAR 13A.14.10.03

.03 Fund Uses and Limitations.

A. An award under the Fund:

(1) Shall be applied only toward a:

(a) Fee required for national accreditation; or

(b) A program improvement cost;

(2) May be made only to:

(a) An approved accrediting organization on behalf of a provider for the actual expense of the application fee; or

(b) The provider as reimbursement for a program improvement cost;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(3) May not be:

(a) Used for costs incurred by the applicant for:

(i) Facility improvement; or

(ii) Staff training; or

(b) Made for an amount greater than the actual amount of the:

(i) Fee charged by the accreditation organization; or

(ii) Program improvement cost; and

(4) May not exceed:

(a) \$1,500 for a family child care provider;

(b) \$2,500 for a child care center serving 100 or fewer children; or

(c) \$3,000 for a child care center serving more than 100 children.

B. This Fund may not pay for the cost of an accreditation fee or a program improvement cost if that cost is already covered by another funding source.

C. An award may not be made to a provider who has already received an award under the Fund but who has not completed the accreditation process.

D. The Office may approve reimbursement of a cost only if it was incurred within 12 months before the date of application for accreditation support.

COMAR 13A.14.10.04

.04 Applications.

A. The Office shall accept applications only from a:

(1) Registered family child care provider; or

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(2) Licensed child care owner, operator, or director.

B. To apply for accreditation support for national accreditation, the applicant shall submit to the Office a complete application, which includes:

(1) An application form, supplied by the Office, which has been completed and signed by the applicant;

(2) A copy of the completed application form for accreditation by an approved accreditation organization;

(3) A copy of the application requirements and fees for the accrediting organization; and

(4) A statement of the accreditation plan, application fees requested, and timeline to complete the accreditation process.

C. To apply for reimbursement of a program improvement cost, the applicant shall submit to the Office a complete application, which includes:

(1) An application form, supplied by the Office, which has been completed and signed by the applicant;

(2) A statement of the accreditation plan and timeline; and

(3) Receipts or copies of receipts for the instructional materials purchased.

D. Subject to funding availability, the Office shall, within 30 days of the receipt of the application, approve an applicant to receive an award if the:

(1) Application is complete;

(2) Amount requested does not exceed the:

(a) Application fee; or

(b) Program improvement cost; and

(3) Applicant is eligible to receive an award.

E. Upon determination by the Office that a facility is eligible to receive support, an award letter shall be issued stating the amount of the award.

F. If the applicant is found ineligible for an award, the Office shall:

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (1) Provide written notification to the applicant of the determination of ineligibility; and
- (2) Return to the applicant all application materials submitted.

G. Assignment of Awards.

- (1) Funding for accreditation support is provided to the Office on an annual basis.
- (2) For award purposes, the Office shall divide the annual allocation for accreditation support into 12 equal monthly funding allocations.
- (3) During each month, the Office shall make awards until:
 - (a) An award has been made to each eligible applicant; or
 - (b) The monthly funding allocation is exhausted.
- (4) At the end of a month, any unused funding allocation for that month shall be:
 - (a) Added to the funding allocation for the next month; and
 - (b) Available for award purposes during the next month.

COMAR 13A.14.10.05

.05 Prohibitions and Penalties.

A. An applicant for an award under the Fund may not make or cause to be made a false statement or report:

- (1) In any application or documentation furnished to the Office under the requirements of this chapter; or
- (2) For the purpose of influencing the action of the Office on any matter related to an award, either before or after the award has been made.

B. Violation of §A of this regulation shall result in forfeiture of any claim to an award under the Fund.

COMAR T. 13A, Subt. 14, Ch. 10, Administrative History

COMAR T. 13A, Subt. 14, Ch. 11, Refs & Annos

COMAR 13A.14.11.01

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

.01 Scope.

These regulations set forth the:

- A. Purpose of the Child Care Quality Incentive Grant Program;
- B. Requirements for applying for an award under the Program;
- C. Basis and procedure for making an award; and
- D. Penalties for false application.

COMAR 13A.14.11.02

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated:
- B. Terms Defined.

- (1) "Administration" means the Office of Child Care.
- (2) "Applicant" means an individual who has applied to the Administration for a grant.
- (3) "Award" means the grant amount awarded through the Program to an approved applicant.
- (4) "Child care facility" means a:
 - (a) Child care center that is currently licensed to operate pursuant to COMAR 13A.16; or
 - (b) Nursery school or child care program that operates under a current letter of compliance pursuant to COMAR 13A.17.
- (5) "Child care provider" means a family day care provider or child care facility.
- (6) "Department" means the State Department of Education.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(7) “Family day care provider” means an individual who holds a current certificate of registration to operate a family day care home pursuant to COMAR 13A.15.

(8) “Grantee” means an individual who has received an award through the Program.

(9) “Local department” means a department of social services in a county or Baltimore City or the Montgomery County Department of Health and Human Services.

(10) “Program” means the Child Care Quality Incentive Grant Program.

(11) “Purchase of Child Care program (POC)” means the system of providing child care subsidies for eligible families which local departments pay to child care providers pursuant to COMAR 13A.14.06.

(12) “Regulatory action” means any action to suspend or revoke a child care provider’s license or registration, or a compliance agreement involving the health, safety, or welfare of children receiving care.

COMAR 13A.14.11.03

.03 Program Uses and Limitations.

A. The purpose of this Program is to provide grant funds to child care providers to pay expenses authorized by the Department to enhance the quality of child care.

B. Grant funds shall be provided in the form of awards.

C. Awards shall be made only to eligible child care providers to improve the quality of care they provide through the purchase of approved materials, equipment, and supplies.

D. A child care provider may not be approved for more than one award in a 3-year period.

COMAR 13A.14.11.04

.04 Applications.

A. The Administration shall accept applications for an award only from currently operating child care providers.

B. To apply for an award, a child care provider shall submit to the Administration a completed application, which includes:

(1) An application form supplied by the Administration that is completed and signed by the applicant;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (2) Itemization of known and estimated costs of supplies, materials, and equipment for which funds are sought;
- (3) The amount of funds available to the applicant to purchase supplies, materials, and equipment;
- (4) The total amount of direct incentive grant funds requested from the Department;
- (5) At the time of application:
 - (a) The total number of children enrolled in the applicant's child care program; and
 - (b) The number of children receiving child care subsidies through the POC program;
- (6) An explanation of how each item will be used to enhance the quality of care provided to enrolled children;
- (7) The name and location of the nearest public elementary school; and
- (8) Any other relevant information required by the Administration.

C. Determination and Notification of Eligibility.

- (1) Awards may be made only to:
 - (a) Child care facilities:
 - (i) Located in Title I communities; or
 - (ii) In which at least 25 percent of the children enrolled receive child care subsidies through the POC program; or
 - (b) Family day care homes that serve children who receive child care subsidies through the POC program.
- (2) An applicant may be determined eligible for an award if:
 - (a) The application is complete;
 - (b) The applicant is not in arrears in the payment of any money owed to the State; and
 - (c) The applicant is currently licensed or registered by the Administration and is not subject to any pending or ongoing regulatory action.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(3) The Administration shall determine and notify an applicant of eligibility within 35 calendar days after a complete application is received by the Administration.

(4) Determination by the Administration that an applicant is eligible for an award does not entitle an applicant to an award.

(5) If an applicant is found eligible for an award, the applicant shall be notified that, pursuant to Regulation .05 of this chapter, an award shall be determined on the basis of:

(a) Award priority; and

(b) The availability of funding.

(6) If the applicant is found ineligible for an award, the Administration shall specify in writing the reason for ineligibility.

COMAR 13A.14.11.05

.05 Awards.

A. For award purposes, the Administration shall:

(1) Divide the annual allocation into four equal portions to be awarded quarterly during January, April, July, and October;

(2) Divide the funding allocation equally between family day care providers and child care facilities; and

(3) During any quarter, transfer remaining funds allocated to one category of provider to the other, if necessary to fund eligible applicants.

B. Maximum Grant Amounts.

(1) A child care facility that serves:

(a) 29 or fewer children may be awarded a grant of up to \$1,500; and

(b) 30 or more children may be awarded a grant of up to \$2,500.

(2) A family day care provider may be awarded a grant of up to \$1,000.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

C. During each quarter, the Administration shall provide awards according to the assigned award priority until the earlier of when:

- (1) An award has been made to each eligible applicant; or
- (2) The quarterly allocation of funding is exhausted.

D. Within 60 days of receiving an award, the grantee shall submit receipts or copies of receipts for all equipment, supplies, and materials purchased with the award.

E. Reconsideration for an Award.

- (1) If, due to exhaustion of the quarterly funding allocation, an award is not made to an applicant on the basis of the applicant's first quarter of eligibility, the application shall be held for reconsideration until the end of the State fiscal year in which the application was made.
- (2) An applicant who does not receive an award may reapply for an award during any future fiscal year.

F. At the end of a quarter, any unused funding allocation for that quarter shall be:

- (1) Added to the funding allocation for the next quarter; and
- (2) Made available for award purposes.

G. The Administration may make an award for less than the amount requested by the applicant, but may not make an award for more than the amount requested.

COMAR 13A.14.11.06

.06 Prohibition and Penalties.

A. A person may not knowingly make or cause to be made any false statement or report:

- (1) In any application or document furnished to the Administration under this chapter; or
- (2) For the purpose of influencing the action of the Administration on:
 - (a) An application for an award; or
 - (b) Any matter related to an award, whether or not the award has been made.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

B. Any person who violates this regulation, or assists another person to violate this regulation, is subject to the penalties set forth in Family Law Article, §5-594.7, Annotated Code of Maryland.

COMAR T. 13A, Subt. 14, Ch. 11, Administrative History

COMAR T. 13A, Subt. 14, Ch. 12, Refs & Annos

COMAR 13A.14.12.01

.01 Purpose.

A. The purpose of the Maryland After-School Opportunity Fund Program (MASOFP) is to assist parents by providing after-school enrichment activities for school age children in the State.

B. The purpose of this chapter is to set forth:

(1) Requirements and responsibilities for administering the MASOFP; and

(2) Minimum standards for after-school programs that receive funds provided under the MASOFP.

COMAR 13A.14.12.02

.02 Definitions.

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

B. Terms Defined.

(1) "Activity aide" means a staff member in an after-school program who is assigned to assist with a program activity.

(2) "Activity supervisor" means a staff member in an after-school program who is assigned to be in charge of a program activity.

(3) "Administration" means the Office of Child Care, Division of Early Childhood Development, in the State Department of Education.

(4) "Advisory Board" means the Advisory Board of the MASOFP.

(5) "After-school program" means an organized and supervised enrichment program of activities that takes

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

place:

- (a) Before the school starts each day and after school ends each day;
 - (b) On weekends;
 - (c) On holidays;
 - (d) During vacations; and
 - (e) During summer break.
- (6) “Department” means the State Department of Education.
- (7) “Executive Committee” means the Executive Committee of the Advisory Board.
- (8) Fund.
- (a) “Fund” means the Maryland After-School Opportunity Fund in the Program.
 - (b) “Fund” does not include money provided under the Department’s purchase of child care program pursuant to COMAR 13A.14.06.
- (9) “Licensed child care provider” means a:
- (a) Family day care provider who is registered to operate a family day care home pursuant to COMAR 13A.15; or
 - (b) Child care facility that:
 - (i) Is licensed to operate pursuant to COMAR 13A.16; or
 - (ii) Operates under a letter of compliance pursuant to COMAR 13A.17.
- (10) “Local management board (LMB)” means an entity composed of local community stakeholders that has statutory responsibility for implementing the delivery of child and family services in a local Maryland jurisdiction.
- (11) “Maryland After-School Opportunity Fund Program (MASOFP) (Program)” means the Program created by the Maryland After-School Opportunity Act of 1999 to provide funding for the expansion or improvement of after-school enrichment programs in Maryland.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(12) "Parent" means a school age child's:

- (a) Biological or adoptive parent;
- (b) Guardian; or
- (c) Custodian.

(13) "Program director" means the individual who is designated to manage, on a daily basis, the operations, activities, and personnel of an after-school program.

(14) "Program operator" means the individual, organization, or other entity that:

- (a) Has the legal authority and responsibility for governing and operating an after-school program; and
- (b) Is designated by an LMB or other administrative entity as the recipient of MASOFP funds.

(15) "Program participant" means a school age child who is enrolled in an after-school program.

(16) "School age child" means an individual younger than 16 years old, or younger than 21 years old with a disabling condition, who attends a public or nonpublic school in kindergarten through grade 12.

(17) "Staff member" means an individual, whether paid or unpaid, who performs a duty on a continuing basis for an after-school program.

(18) "Technical assistance" means assistance in the identification and implementation of effective practices for after-school programs.

(19) "Volunteer" means an individual who:

- (a) Performs a duty in or for an after-school program but is not a compensated employee of the program;
- (b) Is not enrolled in the after-school program; and
- (c) Is not the parent of a program participant who accompanies the participant during a program activity.

COMAR 13A.14.12.03

.03 Roles and Responsibilities.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

A. The Executive Committee shall:

- (1) Administer the MASOFP in consultation with the Advisory Board;
- (2) Develop standards for the operation of the MASOFP in consultation with the Maryland Partnership for Children, Youth, and Families;
- (3) In consultation with the Advisory Board:
 - (a) Determine the standards of operation for after-school programs as set forth in this chapter;
 - (b) Issue a request for proposals each fiscal year soliciting bids for a grant from the Fund;
 - (c) Determine the criteria for awarding grants from the Fund; and
 - (d) On or before December 15 of each year, review and update a comprehensive plan for the delivery and improvement of after-school programming under the MASOFP;
- (4) In consultation with the Advisory Board and with the approval of a majority of the Executive Committee, award grants, which may include planning grants, from the Fund; and
- (5) By December 31 of each year, report to the Maryland General Assembly on the implementation of the MASOFP and the effectiveness of the after-school opportunity programs funded by MASOFP grants.

B. The Department shall administer the Fund under the direction of the Executive Committee.

C. The LMB or any other administrative entity that is awarded a grant from the Fund for allocation to one or more after-school programs shall:

- (1) Allocate the funds in accordance with the conditions of the award;
- (2) Monitor and evaluate each after-school program to which it has allocated funds to determine if:
 - (a) The program operator:
 - (i) Meets the requirements of §E of this regulation; and
 - (ii) Satisfies all other conditions, if any, under which funds were allocated to the program; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(b) The program meets the standards of operation set forth in this chapter by:

(i) Arranging and, jointly with the Administration, conducting one site visit to the program to assess the program's compliance with the standards; and

(ii) Arranging and conducting other site visits to the program as may be necessary or appropriate, but at least twice each year;

(3) Receive, investigate, and take appropriate corrective action in connection with any complaint concerning the operation of, or service provided by a program to which it has allocated funds;

(4) Collect and report all information in accordance with the conditions of the award; and

(5) Have full responsibility for responding to any inquiry or request for information about a program to which it has allocated funds.

D. The Administration shall:

(1) Jointly with the LMB or other administrative entity, conduct one site visit to the program to assess the program's compliance with the standards of operation set forth in this chapter;

(2) Provide consultation and technical assistance on achieving and maintaining compliance with the standards to the LMB or other administrative entity and, upon request by the LMB, to the program;

(3) Upon request by the LMB, or other administrative entity, following a change in the program's facilities or operations, participate in an additional site visit to the program to assess the effect of the change on the program's compliance with the standards; and

(4) Maintain records of:

(a) Each site visit to the program, and the findings of that visit, in which the Administration participates; and

(b) Consultative and technical assistance activities the Administration conducts pursuant to this regulation.

E. The operator of an after-school program subject to the requirements of this chapter shall ensure that the program meets the standards of operation set forth in this chapter.

COMAR 13A.14.12.04

.04 Standards of Operation for After-School Programs -Scope.

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

The standards of operation set forth in this chapter:

- A. Apply only to after-school programs that receive funds provided under the MASOFP; and
- B. Do not apply to an after-school program that receives funds provided under the MASOFP if the program is operated:
 - (1) By a licensed child care provider; or
 - (2) As a youth camp subject to the requirements of COMAR 10.16.06.

COMAR 13A.14.12.05

.05 Standards of Operation -Program Administration.

The after-school program shall:

- A. Develop and maintain a written statement of program goals;
- B. Develop and maintain written program policies that:
 - (1) Are freely available to staff members and parents;
 - (2) Include a statement of unrestricted parental access to the program at all times during program operating hours; and
 - (3) Include procedures for:
 - (a) Ensuring the health, safety and security of program participants;
 - (b) Disciplining program participants;
 - (c) Keeping an enrollment log and a record of daily attendance; and
 - (d) Ensuring that the whereabouts and status of each program participant are known whenever the participant is present at the program site or involved in a program activity;
- C. Provide structured and unstructured program activities according to a written schedule that:
 - (1) Are consistent with the stated goals of the program;

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (2) Meet the developmental and social needs of program participants;
- (3) Are conducive to positive and constructive interactions among program staff and participants; and
- (4) Are conducted as scheduled;

D. Ensure that each staff member:

- (1) Before beginning work with program participants, receives:
 - (a) Orientation to the program;
 - (b) Training in the prevention, detection, and reporting of child abuse and neglect; and
 - (c) Other training appropriate to the staff member's program responsibilities;
- (2) After beginning work with program participants, receives continued training as needed to meet the healthy development of program participants and the goals of the program;
- (3) Uses positive techniques to guide the behavior of program participants; and
- (4) Relates to program participants individually and in groups in a manner that is appropriate to the participants' individual and group needs; and

E. Upon request, make available for review and copying by a representative of the Administration, LMB, or other administrative entity that provides MASOFP funds to the program any record, written policy, written procedure, or other document required by this chapter.

COMAR 13A.14.12.06

.06 Standards of Operation -Program Safety, Health, and Nutrition.

The after-school program shall:

A. Comply with all:

- (1) Applicable State and local building, fire, health, and zoning codes;
- (2) State child abuse and neglect laws; and

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

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(3) Other applicable State laws;

B. Have sufficient indoor space to successfully conduct all planned individual and group activities;

C. Provide handwashing, toilet, and drinking water facilities that are operable and appropriate to the ages, number, and genders of all program participants;

D. Provide clean facilities and indoor and outdoor space that:

(1) Are free from health hazards, including lead hazards and asbestos hazards; and

(2) Have:

(a) Adequate sanitary supplies and equipment;

(b) Proper trash and refuse removal; and

(c) Comfortable levels of heat, ventilation, noise, and light;

E. Provide activity materials and equipment that are:

(1) Safe and in good condition; and

(2) Sufficient in quantity and type to support successful achievement of program goals;

F. Provide furniture and storage areas for use by program participants that are safe, age-appropriate and adequate for the number of participants;

G. Prohibit from the program premises the:

(1) Use of alcohol, tobacco, and illicit drugs during the program's hours of operation; and

(2) Presence of any weapon;

H. Provide a telephone or similar means for communicating outside of the program area that is:

(1) Operable;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(2) Reliable; and

(3) Freely available to all program staff;

I. Ensure that there is at least one staff member present at all times during the program's hours of operation who holds a current certificate indicating successful completion of:

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

(2) Cardiopulmonary resuscitation (CPR) training through the American Heart Association, or a program with equivalent standards, that is appropriate to the ages of all program participants;

J. Maintain first aid supplies on the program premises that are:

(1) In good usable condition;

(2) Immediately accessible to staff members for use in an emergency; and

(3) Sufficient in quantity and type for emergency situations that may reasonably be expected to occur at the program;

K. If the program provides transportation of program participants by motor vehicle, ensure that:

(1) Each vehicle used is safely operable;

(2) If required by Maryland law, each occupant of the vehicle is secured in a seat belt or child safety seat that is appropriate for the occupant's age and weight, as specified by Maryland law; and

(3) The program complies with all applicable local, State, and federal transportation requirements;

L. Establish and follow written policies and procedures for:

(1) Reporting suspected child abuse or neglect as required by State law;

(2) Ensuring release of a program participant only to the participant's parent or other authorized adult;

(3) Creating and maintaining a record of each:

(a) Injury or accident occurring to a program participant during program hours;

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

- (b) Serious incident involving a program participant during program hours; and
- (c) Administration to a program participant by a staff member of a prescription or non-prescription medication;
- (4) Informing the parent of a program participant about any injury or accident occurring to, or serious incident involving the participant on the same day that it occurs;
- (5) Excluding a staff member or a program participant from the program premises for an:
 - (a) Acute illness; or
 - (b) Infectious or communicable disease for which the State or local health department recommends exclusion;
- (6) Ensuring that each staff member and program participant washes his or her hands thoroughly:
 - (a) After using the sanitary facilities;
 - (b) Before food handling and eating;
 - (c) After an outdoor activity; and
 - (d) At other times when necessary to prevent the spread of disease; and
- (7) Ensuring prompt and safe evacuation of the program premises by all program staff and participants in the event of a fire or other emergency;

M. For each program participant, ensure that current written information is maintained on the program premises that is immediately accessible to staff members and includes, but is not limited to:

- (1) Emergency contact information;
- (2) Medications, if any, being used by the participant;
- (3) Information about any condition, including allergies, that the participant has that may require medical or other special attention; and
- (4) Documentation of immunization history, if the participant is not enrolled in a Maryland school;

N. Ensure that all areas used for food storage, handling, preparation, service, and consumption are clean, safe, in good repair, and free from infestation; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

O. Ensure that nutritious snacks are available to all program participants.

COMAR 13A.14.12.07

.07 Standards of Operation -Program Staff.

A. To serve as:

- (1) A program director, an individual shall be 21 years old or older;
- (2) An activity supervisor, an individual shall be 18 years old or older; or
- (3) An activity aide, an individual shall be 14 years old or older.

B. Each staff member shall have education, training, or experience, or any combination thereof, appropriate to the staff member's level of program responsibility.

C. Criminal Background Checks.

- (1) Each staff member shall apply for a criminal background check before beginning program duties.
- (2) The program operator shall ensure that there is a fingerprint-supported criminal background check result for each individual required to apply for a criminal background check.

COMAR 13A.14.12.08

.08 Standards of Operation -Supervision of Program Participants.

A. Whenever attending an after-school program subject to this chapter, a program participant shall:

- (1) Receive supervision at all times which is appropriate to the individual age, needs, and capabilities of the participant; and
- (2) Be assigned by the program to an activity group.

B. Each activity group:

- (1) Shall have a staff-to-participant ratio of at least 1 to 15; and

Maryland Regulations Currentness _ Title 13A State Board of Education _Subtitle 14 Child and Family Day Care _Chapter 06 Child Care Subsidy Program

(2) If approved by the LMB, may be of any size if the staff-to-participant ratio required by this regulation is maintained.

C. Each activity group shall be supervised by the program director or an activity supervisor.

D. Under the direct supervision of the program director or an activity supervisor, an activity aide who is 16 years old or older may lead the activities of a portion of an activity group if:

(1) The portion consists of not more than 15 program participants; and

(2) The program director or activity supervisor is readily available to the activity aide for consultation and assistance.

E. A staff member who is younger than 18 years old may not be left alone with any group of program participants.

F. A staff member shall be 14 years old or older to be counted for the staff-to-participant ratio required by this regulation.

COMAR T. 13A, Subt. 14, Ch. 12, Administrative History

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

COMAR T. 13A, Subt. 14, Ch. 13, Transferred

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