

Annotated Code of Maryland _Family Law _Title 5. Children _Subtitle 5. Child Care; Foster Care_
Part VII. Child Care Centers

MD Code, Family Law, T. 5, Subt. 5, Pt. VII, Refs & Annos

MD Code, Family Law, § 5-570

§ 5-570. Definitions

Effective: January 1, 2012

In general

(a) In this Part VII of this subtitle the following words have the meanings indicated.

Child

(b) “Child” means an individual under the age of 16 years.

Child care center

(c)(1) “Child care center” means an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.

(2) “Child care center” shall include a nonpublic nursery school in which an instructional program is offered or provided for children who are under the age of 5 years.

(3) “Child care center” does not include:

(i) a nonpublic kindergarten in which an instructional program is offered or provided for children who are at least 5 years old;

(ii) a nonpublic elementary school in which an instructional program is offered or provided for children who are in grades 1 through 8;

(iii) a child care home, a child care institution, or other child care facility that offers or provides a residential placement for a child and is established, licensed, or registered under this subtitle, Title 9 of the Human Services Article, or Title 10 of the Health--General Article; or

(iv) a family child care home or large family child care home that is required to be registered or is registered under this subtitle.

Department

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

Letter of compliance

(e) “Letter of compliance” means a letter issued by the State Department of Education to a religious organization that meets the requirements under § 5-573 of this subtitle.

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License

(f) "License" means a license issued by the State Department of Education to operate a child care center.

Person

(g) "Person" includes a State, county, or municipal corporation.

State Superintendent

(h) "State Superintendent" means the State Superintendent of Schools or the State Superintendent's designee.

MD Code, Family Law, § 5-571

§ 5-571. General Assembly's findings; purpose

Legislative findings

(a)(1) The General Assembly finds that:

(i) a child is not capable of self-protection; and

(ii) if care of a child is given over to another, mental and physical risks arise that need to be offset by reasonable protective measures.

(2) The General Assembly also finds that:

(i) there is a shortage of child care placements for children under the age of 2 years; and

(ii) the rules and regulations adopted under this subtitle should provide for small child care centers that provide care in a homelike environment.

Purpose

(b) The purpose of this subtitle is not to limit a parent in getting the help of responsible relatives or friends in giving child care for a child, but is to aid each parent and protect each child from the risk present if:

(1) the child is cared for by an individual other than a relative or friend; and

(2) children of more than one family are cared for together or, on different days, use the same facilities.

MD Code, Family Law, § 5-572

§ 5-572. Relationship to other laws

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Scope of Part

(a) This Part VII of this subtitle does not supersede:

- (1) any right or power of the Department of Health and Mental Hygiene or any local health officer;
- (2) any right or power of a county department of education;
- (3) any building code or zoning provision;
- (4) any right or power of the Administration within the Department of Human Resources or any local department;
or
- (5) any right or power of the Department of Human Resources to regulate residential child care facilities.

Child care center in a school shall meet fire, health and zoning requirements for a school

(b) Notwithstanding any other provision of law, if a child care center for school age children is operated before and after school hours in a building which is in use as a public or private school, the school age child care center:

- (1) shall meet local fire, health, and zoning codes required of school buildings; and
- (2) may not be required to meet any additional regulations relative to the physical plant beyond those imposed by the county or the local board of education with respect to that building.

MD Code, Family Law, § 5-573

§ 5-573. Rules and regulations

Effective: January 1, 2012

In general

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

Scope of rules and regulations

(b) These rules and regulations shall:

- (1) ensure safe and sanitary conditions in child care centers;
- (2) ensure proper care, protection, and supervision of children in child care centers;
- (3) ensure the health of children in child care centers by:
 - (i) monitoring children for signs and symptoms of child abuse;

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- (ii) instructing licensees and staff concerning child abuse detection and reporting;
 - (iii) monitoring health practices to help prevent the spread of disease; and
 - (iv) monitoring the care of infants and children with special needs;
- (4) promote the sound growth and development of children in child care centers;
- (5) carry out otherwise the purposes and requirements of this Part VII of this subtitle, including imposition of intermediate sanctions to ensure compliance;
- (6) prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;
- (7)(i) require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:
- 1. basic first aid training through the American Red Cross or through a program with equivalent standards; and
 - 2. cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and
- (ii) require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children;
- (8)(i) require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and
- (ii) require that the notice sent by the child care center shall:
- 1. be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;
 - 2. be in writing;

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

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

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

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

1. a designated relocation site and evacuation route;

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

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

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

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

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

(10) require a child care center to have window coverings in accordance with § 5-505 of this subtitle.

MD Code, Family Law, § 5-574

§ 5-574. License requirement

Mandatory license

(a) Except as otherwise provided in this Part VII of this subtitle, a person shall be licensed by the Department before the person may operate a child care center in this State.

Scope of section

(b) This section does not apply to:

(1) the instructional program, curriculum, or teacher, principal, or administrator qualifications of a nursery school or a child care center that is operated by a religious organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code in a school building exclusively for children who are enrolled in that school;

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(2) a nonpublic nursery school operated by a tax-exempt religious organization that has been issued a certificate of approval by the State Department of Education;

(3) a nonpublic nursery school operated by a tax-exempt religious organization that:

(i) complies with the regulations adopted under this subtitle; and

(ii) has been issued a letter of compliance by the Department; or

(4) a program that is operated by a tax-exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting.

Child care center in a school shall meet fire, health and zoning requirements for a school

(c) Notwithstanding any other provision of law, if a child care center for school age children is operated before and after school hours in a building which is in use as a public or private school, the school age child care center:

(1) shall meet local fire, health, and zoning codes required of school buildings; and

(2) may not be required to meet any additional regulations relative to the physical plant beyond those imposed by the county or the local board of education with respect to that building.

Religious organization shall comply with fire safety regulations

(d) Notwithstanding the exemption under subsection (b)(4) of this section, a program that is operated by a tax-exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting shall:

(1) comply with all applicable State and local fire, building, and zoning laws; and

(2) prior to the utilization of the program's facility, be inspected by the State Fire Marshal, or local fire authority having jurisdiction, to ensure that the facility is in compliance with all applicable fire safety regulations.

MD Code, Family Law, § 5-575

§ 5-575. License application

In general

(a) An applicant for a license shall submit an application to the Department on the form that the State Superintendent requires.

Contents of application

(b) An application for a license shall contain:

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- (1) the name of the applicant;
- (2) the proposed location of the child care center;
- (3) the name of the individual to be in charge of the child care center; and
- (4) any other information that the Department requires.

MD Code, Family Law, § 5-576

§ 5-576. Issuance of license

The Department shall issue a license to any applicant who meets the requirements of this Part VII of this subtitle and of the rules and regulations adopted under it.

MD Code, Family Law, § 5-577

§ 5-577. Scope of license

In general

(a)(1) A license authorizes the licensee to operate a child care center while the license is effective.

(2) A license authorizes the licensee to operate a child care center that offers or provides child care regardless of the time of day.

Department approval needed for changes that affect conditions of license

(b) Unless the Department first approves the change, a licensee may not make any substantial addition to or other change in a building or plant of the child care center or a change in its facilities that could affect materially any condition under which the license was issued.

MD Code, Family Law, § 5-578

§ 5-578. License renewal; inspections

Effective: October 1, 2010

Expiration of initial license and letter of compliance

(a) Each initial license and letter of compliance expires on the second anniversary of its effective date.

Continuing license or letter of compliance

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(b) Prior to expiration of an initial license or letter of compliance, and on application by the licensee or letter of compliance holder that meets the requirements set by the Department, a continuing license or letter of compliance may be issued that remains in effect until surrendered, suspended, revoked, or replaced by a conditional license or letter of compliance.

Inspection of child care center

(c) The Department shall inspect each child care center operating under a license or a letter of compliance:

(1) on an announced basis prior to issuing the initial or continuing license or letter of compliance to determine whether applicable requirements are being met; and

(2) on an unannounced basis at least once during each 12-month period that the license or letter of compliance is in effect to determine whether safe and appropriate child care is being provided.

MD Code, Family Law, § 5-579

§ 5-579. Transfer of license

A license issued under this Part VII of this subtitle is not transferable.

MD Code, Family Law, § 5-580

§ 5-580. Refusal of license; suspension; revocation

Effective: October 1, 2008

Denial of license or letter of compliance

(a) Subject to the hearing requirements of this section, the Department may deny a license or letter of compliance to any applicant or deny approval for a change under § 5-577 of this subtitle if the applicant or proposed change does not meet the requirements of this subtitle.

Suspension or revocation of license or letter of compliance

(b) Subject to the hearing requirements of this section and § 5-581 of this subtitle, the State Superintendent may suspend or revoke a license or letter of compliance if the licensee:

(1) violates a provision of this Part VII of this subtitle or any rule or regulation adopted under it; or

(2) does not meet the current requirements for a new license or letter of compliance.

Opportunity for a public hearing

(c)(1) Except as otherwise provided in subsection (d) of this section, before any action is taken under this section, the State Superintendent shall give the individual against whom the action is contemplated an opportunity for a public hearing before the State Superintendent.

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- (2) The hearing notice to be given to the individual shall be sent at least 10 days before the hearing.
- (3) The individual may be represented at the hearing by counsel.

Emergency suspension

(d)(1)(i) The State Superintendent may suspend the license or letter of compliance to operate a child care center on an emergency basis when the State Superintendent determines that this action is required to protect the health, safety, or welfare of a child in the child care center.

(ii) When the State Superintendent suspends a license or letter of compliance on an emergency basis, the State Superintendent shall deliver written notice of the suspension to the licensee stating the regulatory basis for the suspension.

(2)(i) Upon delivery of the emergency suspension notice, the licensee or letter holder shall cease immediately operation of the child care center.

(ii) The licensee or letter holder may request a hearing before the State Superintendent.

(3)(i) If a hearing is requested by the licensee or letter holder, the State Superintendent shall hold a hearing within 7 calendar days of the request for a hearing. The hearing shall be held in accordance with the Administrative Procedure Act.

(ii) Within 7 calendar days of the hearing a decision concerning the emergency suspension shall be made by the State Superintendent.

(4) If the emergency suspension order is upheld by the State Superintendent, the licensee or letter holder shall continue to cease operations until it is determined that the health, safety, or welfare of a child in the child care center is no longer threatened.

(5) Any person aggrieved by a decision of the State Superintendent to uphold an emergency suspension may appeal that decision directly to the circuit court in the county in which the child care center is located.

Court can enjoin the activities and operations of a child care center that does not have a license or letter of compliance

(e) The State Superintendent may petition the circuit court in the county in which the child care center is located to enjoin the activities and operations of a person who operates a child care center without a license or letter of compliance as required by this Part VII, including when a license or letter of compliance has been denied, revoked, or suspended in accordance with this Part VII.

MD Code, Family Law, § 5-580.1

§ 5-580.1. Unlicensed child care centers; search warrants

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Administrative search warrants may be issued for unlicensed child care center

(a) The State Superintendent or other authorized official or employee of the Department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter any unlicensed child care center to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to child care centers.

Application for an administrative search warrant

(b)(1) The application for an administrative search warrant shall be in writing and signed and sworn by the State Superintendent and shall particularly describe the place, structure, premises, or records to be inspected and the nature, scope, and purpose of the inspection to be conducted.

(2) Before the filing of an administrative search warrant application with a court, the application shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section and a statement to this effect shall be included as part of the application.

Conditions required before an administrative search warrant may be issued

(c) A judge of a District Court or circuit court in the jurisdiction in which the unlicensed child care center is located may issue an administrative search warrant on finding that:

(1) the Department has reasonably sought and been denied access to an unlicensed child care center for the purpose of making an inspection;

(2) the requirements of subsection (b) of this section are met;

(3) the official or employee of the Department is authorized or required by law to make an inspection of the unlicensed child care center for which the warrant is sought; and

(4) the Department has shown probable cause for the issuance of the warrant by specific evidence:

(i) of an existing violation of § 5-574(a) or § 5-582 of this subtitle; and

(ii) that the health, safety, and welfare of the children in the child care center are substantially threatened due to conditions in the child care center.

Contents of an administrative search warrant

(d) The administrative search warrant issued under this section shall specify the place, structure, premises, or records to be inspected and shall be enforceable during operating hours for a period not exceeding 15 days from the date of issuance.

Scope of an administrative search warrant

(e)(1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the Department to enter the specified property to perform the inspection and other

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functions authorized by law to determine compliance with the provisions of this subtitle relating to child care centers.

- (2) The inspection may not exceed the limits specified in the warrant.

MD Code, Family Law, § 5-580.2

§ 5-580.2. Screening for lead poisoning; child care centers

Within 30 days after a child under the age of 6 years enters care in a child care center, a parent or guardian of the child shall provide to the child care center evidence of an appropriate screening for lead poisoning. This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not to be at risk for lead poisoning.

MD Code, Family Law, § 5-580.3

§ 5-580.3. Child abuse and neglect clearances

Effective: April 13, 2010

In general

- (a)(1) The requirements of this subsection apply only to an employee hired on or after October 1, 2005.

(2) Each employee, as defined in § 5-560 of this subtitle, of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle shall apply to the Department of Human Resources, on or before the first day of actual employment, for a child abuse and neglect clearance.

Administration may prohibit employment

- (b) The Department may prohibit the operator of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle from employing an individual who:

(1) has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime enumerated in the regulations adopted by the Department of Public Safety and Correctional Services under Part VI of this subtitle; or

(2) has been identified as responsible for child abuse or neglect.

Notification

- (c) The operator of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle shall immediately notify the Department of a criminal history records check of an employee that reports a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime enumerated in the regulations adopted by the Department of Public Safety and Correctional Services under Part VI of this subtitle.

MD Code, Family Law, § 5-581

§ 5-581. Judicial review

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Any person aggrieved by a final decision of the State Superintendent in a contested case, as defined in the Administrative Procedure Act, may take any further appeal allowed by the Administrative Procedure Act.¹

MD Code, Family Law, § 5-582

§ 5-582. Prohibited acts

Except as otherwise provided in this subtitle, a person may not operate a child care center in this State unless licensed by the Department.

MD Code, Family Law, § 5-583

§ 5-583. Criminal penalties

A person who violates § 5-574(a) or § 5-582 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

- (1) a fine not exceeding \$1,500 for the first violation; and
- (2) a fine not exceeding \$2,500 for a second or subsequent violation.

MD Code, Family Law, § 5-583.1

§ 5-583.1. Civil penalties

In general

(a) Subject to the provisions of subsection (c) of this section, a person who violates any provision of this Part VII of this subtitle or any rule or regulation adopted under this Part VII of this subtitle is subject to a civil penalty imposed in a civil action not exceeding \$1,000 for each violation.

Each day is a separate violation

(b) Each day a violation occurs is a separate violation under this section.

Limit on amount of penalty

(c) The total amount of civil penalties imposed in an action under this section may not exceed \$5,000.

MD Code, Family Law, § 5-584

§ 5-584. Reports of child abuse

Effective: July 1, 2012

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Notice to State Superintendent of a child abuse or neglect report involving a child care center

(a) In addition to any other provision of law relating to child abuse and neglect, a local department that receives a report of suspected child abuse under § 5-704 or § 5-705 of this title that concerns a child care center, shall notify the State Superintendent's designee within 48 hours.

State Superintendent's designee shall convene a multidisciplinary team

(b) On receipt of the notification required under subsection (a) of this section, the State Superintendent's designee shall convene, either in person or by telephone, a multidisciplinary team to coordinate procedures in accordance with the agreement developed under § 5-706(f) of this title to be followed in investigating and otherwise responding to the report.

Multidisciplinary team membership

(c) The multidisciplinary team shall be chaired by the State Superintendent's designee and shall include:

- (1) representatives of the local department and law enforcement agency that are investigating the report under § 5-706 of this title;
- (2) representation from the office of the local State's Attorney; and
- (3) appropriate medical, including mental health, expertise.

Sharing information

(d) Notwithstanding any other provision of law, the members of the multidisciplinary team shall share information necessary to carry out the team's responsibility under this section.

Information is confidential

(e) Any information shared by the multidisciplinary team shall be confidential and may be disclosed only in accordance with the provisions of §§ 1-201, 1-202, 1-204, and 1-205 of the Human Services Article.

Department of State Police shall provide assistance

(f) On request, the Department of State Police shall provide technical assistance to a local law enforcement agency which is investigating a report of suspected child abuse concerning a child care center.

MD Code, Family Law, § 5-585

§ 5-585. Preemption of local law

In general

(a) All restrictions imposed by the laws, ordinances, or regulations of all subordinate jurisdictions within the State of Maryland on the licensure or regulation of child care centers are superseded by this section, and the State of Maryland hereby preempts the rights of these jurisdictions to regulate child care centers.

Scope of section

(b) This section does not apply to any local fire, building, or zoning code required of a child care center.

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MD Code, Family Law, § 5-585.1

§ 5-585.1. Repealed by Acts 2005, c. 585, § 2, eff. July 1, 2005

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MD Code, Family Law, § 5-586

§ 5-586. Definitions

In general

(a) In this Part VIII of this subtitle the following words have the meanings indicated.

Department

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

Employee

(c) “Employee” means a State employee.

Employee occupant

(d) “Employee occupant” means a State employee who is assigned or will be assigned to a State-occupied building.

Occupying agency

(e) “Occupying agency” means a State agency or department which is or will be located in a State-occupied building.

State complex

(f) “State complex” means more than 1 State-occupied building or facility situated either adjacent to or within reasonable proximity to another State-occupied building or facility.

State-occupied building

(g) “State-occupied building” means:

- (1) an office building acquired through any means by the State for use by a State agency or department; and
- (2) an office building constructed by or for the State for occupancy by a State agency or department.

State Superintendent

(h) “State Superintendent” means the State Superintendent of Schools.

MD Code, Family Law, § 5-587

§ 5-587. State-occupied buildings; child care centers

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Child care centers for children of State employees

(a) The Department may establish child care centers for the children of State employees in State-occupied buildings in the manner provided in this section.

Assessment of need; acquisition of space

(b) Before the State acquires or constructs an office building that accommodates 700 or more employees, the State Department of Education shall:

- (1) survey the employees who will be assigned to the building regarding the employees' child care needs;
- (2) determine whether child care services for more than 29 children are needed; and
- (3) if sufficient need is demonstrated, determine how much space is required and request that the Department of General Services designate the required amount of space within the building or acquire the designated amount of space within a nearby building for a child care center.

Notification

(c) The occupying agency shall notify the employee occupants of the availability of space for a child care center at least 180 days before the projected date of occupancy.

MD Code, Family Law, § 5-588

§ 5-588. Cooperation with other departments

Cooperation of departments

(a) The Department of Health and Mental Hygiene and the Department of General Services shall cooperate with and assist the Department in carrying out the purposes of this Part VIII of this subtitle.

Duties of the Department

(b) The Department shall:

- (1) provide the guidance and means for establishing child care centers for the children of State employees in State-occupied buildings or nearby buildings in accordance with this Part VIII of this subtitle;
- (2) provide for licensing of child care centers for children of State employees;
- (3) ensure that space designated within a State-occupied building or nearby buildings for a child care center complies with the prevailing local and State safety building codes for child care centers;

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(4) apply the regulations adopted under Part VII for child care centers; and

(5) contract for child care services in the space provided. Contract providers must provide proof of financial responsibility.

Duties of Department of General Services

(c)(1) The Department of General Services shall:

(i) construct or acquire the required space to be used by the child care center, which space shall be submetered for utilities and the costs of which shall be paid by the child care center; and

(ii) inspect the facility monthly and inform child care center personnel of maintenance deficiencies to be corrected by the child care center.

(2) If any deficiencies under paragraph (1)(ii) of this subsection are not corrected within a reasonable time, the Department of General Services shall notify the State Department of Education which will exact compliance in accordance with the terms of the child care center contract.

(3) The child care center shall pay for any costs of operation of the child care center.

Conditions to reassign use of space

(d) Space originally set aside for a child care center may be used for other purposes if:

(1) the building has been fully occupied for 180 days; and

(2) an application to operate a child care center has not been filed under Part VII of this subtitle.

Priority for children of State employees

(e) Children of State employees shall have priority over other children in admission to a child care center in a State-occupied building or nearby buildings.

Assessment of needs every 5 years

(f)(1) After a child care center for children of State employees has been established, the Department shall assess the child care needs of the State employees using the center at least every 5 years.

(2) If the assessment demonstrates that the service is no longer needed or feasible, the State Superintendent may close the center.

(3) The State Superintendent shall give the child care center 90 days' written notice of closure.

MD Code, Family Law, § 5-589

§ 5-589. Pilot program

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“Pilot program” defined

(a)(1) In this section the following words have the meanings indicated.

(2) “Pilot program” means the child care centers established in State-occupied buildings or State complexes under this section.

Established

(b) There is a pilot program for child care in State-occupied buildings and State complexes.

Duties of Department

(c) The Department shall administer the pilot program established under this section.

Scope of program

(d) The pilot program shall be:

(1) operated in at least 1 State-occupied building or State complex where 700 or more State employees are located;

(2) established to accommodate at least 29 children at each location; and

(3) established for at least 3 years.

Contract; duties of child care provider

(e)(1) The Department shall contract with child care providers to operate the child care centers established under this section.

(2) The contract for operating a child care center shall require the child care provider:

(i) to be responsible for entering into agreements, and making arrangements with the employees, for the provision of child care;

(ii) to provide proof of financial responsibility;

(iii) to be licensed under Part VII and this Part VIII of this subtitle;

(iv) to comply with any laws or regulations governing child care centers;

(v) to obtain and keep in effect liability insurance in an amount determined to be sufficient by the State Superintendent; and

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(vi) to comply with any other requirement the State Superintendent considers reasonable and necessary.

(3) The child care provider may not be held responsible for providing the necessary space for the operation of the child care center.

MD Code, Family Law, § 5-589.1

§ 5-589.1. Screening for lead poisoning; child care centers in State-occupied buildings

Within 30 days after a child under the age of 6 years enters care in a child care center in a State-occupied building, a parent or guardian of the child shall provide to the child care center evidence of an appropriate screening for lead poisoning. This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not to be at risk for lead poisoning.

MD Code, Family Law, T. 5, Subt. 5, Pt. X, Refs & Annos

MD Code, Family Law, § 5-594

§ 5-594. Definitions

Effective: January 1, 2012

In general

(a) In this part the following words have the meanings indicated.

Child care center

(b) "Child care center" has the meaning stated in § 5-570 of this subtitle.

Child care provider

(c) "Child care provider" means a family child care provider or a child care center.

Direct incentive grant

(d) "Direct incentive grant" means a grant awarded under the Child Care Quality Incentive Grant Program.

Family child care provider

(e) "Family child care provider" has the meaning stated in § 5-550(d) of this subtitle.

MD Code, Family Law, § 5-594.1

§ 5-594.1. Establishment of Program

Established

Current through chapters effective June 1, 2014, of the 2014 Regular Session of the General Assembly.

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(a) There is a Child Care Quality Incentive Grant Program administered by the State Department of Education.

Administration of grants

(b) To administer direct incentive grants to child care providers, the State Department of Education may contract with other State agencies and nonprofit organizations.

MD Code, Family Law, § 5-594.2

§ 5-594.2. Direct incentive grants

Delegation of authority

(a) The State Superintendent may delegate the authority to approve direct incentive grants to any board that exists or may be created in the State Department of Education.

Purpose of grants

(b) A direct incentive grant made under this part shall be awarded as an incentive for a child care provider to improve the quality of care being provided to children through the purchase of supplies, materials, and equipment.

MD Code, Family Law, § 5-594.3

§ 5-594.3. Grant funds; eligibility

Effective: January 1, 2012

Source of funds

(a) The grant funds shall consist of:

- (1) moneys specifically appropriated for the Child Care Quality Incentive Grant Program; and
- (2) any other moneys made available to the Child Care Quality Incentive Grant Program.

Use of funds

(b) The Child Care Quality Incentive Grant Program shall be used to:

- (1) pay all expenses and disbursements authorized by the State Department of Education for administering the Child Care Quality Incentive Grant Program; and
- (2) award direct incentive grants to child care providers.

Eligibility for funds

(c) To be eligible to receive grants under this part, a child care provider must:

- (1) possess a certificate of registration or license that is current and not subject to any pending regulatory action,

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including revocation and suspension; and

(2) not be in arrears in the payment of any moneys owed to the State, including the payment of taxes and employee benefits.

Limit on funds

(d) Grants made under this part shall be limited to:

(1) child care centers located in Title I communities;

(2) child care centers where at least 25% of the children enrolled receive subsidies through the purchase of child care program; and

(3) family child care homes and large family child care homes that serve children who receive child care subsidies through the purchase of child care program.

MD Code, Family Law, § 5-594.4

§ 5-594.4. Criteria for grants

The State Department of Education may award a direct incentive grant to an applicant only if:

(1) the applicant meets the qualifications required by this subtitle;

(2) the direct incentive grant does not exceed \$2,500; and

(3) federal funds are available to cover the cost of the grant.

MD Code, Family Law, § 5-594.5

§ 5-594.5. Applications

In general

(a) To apply for a direct incentive grant, an applicant shall submit to the State Department of Education an application on the form that the State Department of Education requires.

Contents of application

(b) The application shall include:

(1) the name and address of the child care provider;

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- (2) an itemization of known and estimated costs including a statement from the child care provider as to how the grant funds will be used;
- (3) the total amount of funds required by the provider to purchase supplies, material, and equipment;
- (4) the funds available to the applicant to purchase supplies, material, and equipment;
- (5) the amount of direct incentive grant funds sought from the State Department of Education;
- (6) the number of children that the child care provider serves who receive child care subsidies through the purchase of child care program; and
- (7) any other relevant information that the State Department of Education requests.

MD Code, Family Law, § 5-594.6

§ 5-594.6. Terms and conditions of grants; priorities

Terms and conditions of grants

(a) Except as otherwise provided in this part, the State Department of Education may set the terms and conditions for direct incentive grants.

State Department of Education to establish priorities

(b) On an annual basis, the State Department of Education may establish priorities for the distribution of direct incentive grants based on the categories of children child care providers serve, including infants, toddlers, and preschool and school-age children.

MD Code, Family Law, § 5-594.7

§ 5-594.7. Violations; penalty

False statement or report--Application

(a) A person may not knowingly make or cause any false statement or report to be made in any application or in any document furnished to the State Department of Education under this part.

False statement or report--Influence State Department of Education

(b) A person may not knowingly make or cause any false statement or report to be made for the purpose of influencing the action of the State Department of Education on an application for a direct incentive grant or for the purpose of influencing any action of the State Department of Education affecting a direct incentive grant whether or not such a grant may have already been awarded.

Penalty

(c) Any person or any aider or abettor who violates any provision of this part is guilty of a misdemeanor, and on

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conviction is subject to a fine not exceeding \$1,000 or imprisonment in the penitentiary not exceeding 1 year or both.

MD Code, Family Law, § 5-594.8

§ 5-594.8. Regulations

The State Superintendent shall adopt regulations necessary to carry out the purposes of this part.

MD Code, Family Law, T. 5, Subt. 5, Pt. XI, Refs & Annos

MD Code, Family Law, § 5-595

§ 5-595. Definitions

Effective: July 1, 2010

In general

(a) In this Part XI of this subtitle the following words have the meanings indicated.

Family child care provider

(b) “Family child care provider” means an individual who participates in the Maryland Child Care Subsidy Program who is:

- (1) a registered provider as defined in § 5-550(d) of this subtitle; or
- (2) exempt from the registration requirements under § 5-552(b) of this subtitle.

Provider organization

(c) “Provider organization” means an organization that:

- (1) includes family child care providers; and
- (2) has as one of its purposes the representation of family child care providers in their relations with the State.

MD Code, Family Law, § 5-595.1

§ 5-595.1. Legislative intent

Effective: July 1, 2010

In according family child care providers and their representatives rights under this Part XI of this subtitle, it is the legislative intent of the General Assembly that the State action exemption to the application of federal and State antitrust laws be fully available to the extent that the activities of the family child care providers and their representatives are authorized under this title.

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MD Code, Family Law, § 5-595.2

§ 5-595.2. Designation of exclusive representative by family child care providers

Effective: July 1, 2010

In general

(a) There shall be only one appropriate bargaining unit of family child care providers in the State.

Designation by family child care providers

(b) Family child care providers may designate, in accordance with the provisions of this Part XI of this subtitle, which provider organization, if any, shall be the exclusive representative of all family child care providers in the State.

Election and certification of representative

(c)(1) The election and certification of the exclusive representative of family child care providers shall be governed by the procedures set forth in Title 3, Subtitle 4 of the State Personnel and Pensions Article.

(2) All elections shall be conducted by the State Labor Relations Board and subject to the requirements and limitations of Title 3, Subtitle 4 of the State Personnel and Pensions Article.

(3) The State Labor Relations Board may not conduct an election for an exclusive representative if an election or certification of an exclusive representative has taken place within the preceding 2 years.

(4) A provider organization designated as the exclusive representative shall represent all family child care providers in the State fairly and without discrimination, whether or not the family child care providers are members of the provider organization.

MD Code, Family Law, § 5-595.3

§ 5-595.3. Designation of representatives by State Department of Education

Effective: July 1, 2010

In general

(a) The State Department of Education shall designate appropriate representatives to participate in collective bargaining with the provider organization certified as the exclusive representative of family child care providers.

Bargaining process

(b) Except as otherwise provided in this Part XI of this subtitle, the parties shall adhere to the bargaining process set forth in § 3-501 of the State Personnel and Pensions Article.

Matters requiring appropriation of State funds

(c) The State Department of Education shall negotiate in consultation with the Department of Budget and

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Management regarding all matters that require appropriation of State funds.

Matters subject to collective bargaining

(d) Collective bargaining shall include all matters related to the terms and conditions of participation by family child care providers in the Maryland Child Care Subsidy Program, including:

- (1) reimbursement rates;
- (2) benefits;
- (3) payment procedures;
- (4) contract grievance procedures;
- (5) training;
- (6) member dues deductions; and
- (7) other terms and conditions of participation by family child care providers in the Maryland Child Care Subsidy Program.

Service fee provisions

(e)(1)(i) Subject to subparagraph (ii) of this paragraph, collective bargaining may include negotiations relating to the right of a provider organization that is the exclusive representative to receive service fees from nonmembers.

(ii) The representatives of the State may not reach an agreement containing a service fee provision unless the representatives of the State conclude that the agreement as a whole will not adversely impact nonmember providers.

(2) A family child care provider whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) not required to pay a service fee; and

(ii) required to pay an amount of money as determined in collective bargaining negotiations, not to exceed any service fee negotiated under paragraph (1) of this subsection, to any charitable organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code and to furnish to the State Department of Education and the exclusive representative written proof of the payment.

Fund for protection of family child care providers

(f)(1) Collective bargaining shall include negotiations that result in the establishment of a fund for the purpose of

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protecting family child care providers against extreme hardship or loss of livelihood resulting from late State payments.

(2) The exclusive representative shall pay for a portion of the fund.

(3) The fund:

(i) may not be a State fund; but

(ii) shall be established and administered in consultation with the State.

(4) All revenues, money, and assets of the fund belong solely to the fund and are held by the fund in trust for family child care providers.

(5) The State may not borrow, appropriate, or direct payments from the revenues, money, or assets of the fund for any purpose.

(6) The fund shall include funds sufficient to meet the reasonably foreseeable needs of the family child care providers.

Matters consistent with law

(g) Notwithstanding subsection (d) of this section, the representatives of the State:

(1) may not be required to negotiate any matter that is inconsistent with applicable law; and

(2) may negotiate and reach agreement with regard to any such matter only if it is understood that the agreement with respect to such matter cannot become effective unless the applicable law is amended by the General Assembly.

Memorandum of Understanding

(h) The parties shall reduce their agreement to a Memorandum of Understanding that complies with the provisions of § 3-601 of the State Personnel and Pensions Article.

MD Code, Family Law, § 5-595.4

§ 5-595.4. Communications between child care providers and State officials

Effective: July 1, 2010

The certification of an exclusive representative of family child care providers by the State Department of Education does not prevent the certified provider organization or any other organization or individual from communicating with any State official on matters of interest, including appearing before or making proposals to the State Department of Education at a public meeting or hearing or at any other forum of the State Department of Education.

MD Code, Family Law, § 5-595.5

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§ 5-595.5. Strikes or collective cessation of services

Effective: July 1, 2010

Provider organizations

(a) A provider organization may not call or direct a strike or other collective cessation of the delivery of services.

Family child care providers

(b) This Part XI of this subtitle may not be construed to grant any right, or imply that family child care providers have any right, to engage in a strike or other collective cessation of the delivery of services.

MD Code, Family Law, § 5-595.6

§ 5-595.6. Construction of Part XI

Effective: July 1, 2010

Family child care providers not employees of State

(a) This Part XI of this subtitle may not be construed to make family child care providers employees of the State.

Selection, direction, and termination of services

(b) This Part XI of this subtitle may not alter in any way the role of parents in selecting, directing, and terminating the services of family child care providers.