

Chapter 713

(House Bill 456)

AN ACT concerning

Family Child Care Homes and Child Care Centers Children With Disabilities and Child Care Providers – Dispute Resolution Process ~~Regulations~~

FOR the purpose of requiring the State ~~Board of Education to develop certain regulations relating to the establishment of a certain dispute resolution process to be used in certain disputes related to certain family child care homes and child care centers; providing guidelines for the content of the regulations; requiring a certain dispute resolution process to be developed by a certain workgroup composed of certain members; and generally relating to regulations for family child care homes and child care centers in the State~~ Department of Education to develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child’s disability; requiring the Department, in developing the specific components of the dispute resolution process, to convene a workgroup that includes representatives of certain entities; requiring the dispute resolution process to include certain components; authorizing the dispute resolution process to include certain components; requiring the Department to submit a certain report to the General Assembly on or before a certain date; and generally relating to the State Department of Education and a process for resolving disputes regarding the care of children with disabilities.

~~BY repealing and reenacting, without amendments,
Article – Education
Section 9.5 – 303(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Education
Section 9.5 – 303(c) and 9.5 – 404
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

(a) The State Department of Education shall develop a dispute resolution process to be used by families of children with disabilities and child care providers for resolving complaints of discrimination based on a child’s disability.

(b) In developing the specific components of the dispute resolution process required under subsection (a) of this section, the Department shall convene a workgroup that includes:

(1) at least one representative from:

Care;

(i) the State Department of Education, including the Office of Child

(ii) Disability Rights Maryland;

(iii) the Maryland Developmental Disabilities Council; and

(iv) Maryland Family Network;

(2) at least three child care providers, or child care associations, representing different child care settings, including at least one representative of family child care homes; and

(3) any other stakeholders the workgroup considers necessary.

(c) The dispute resolution process shall include:

(1) a process for investigating complaints;

(2) a written report on the findings of an investigation; and

(3) if there is a finding of discrimination on the basis of disability, a resolution of the complaint that includes:

(i) an agreement with the child care provider detailing the requirements for remedying the violations; and

(ii) appropriate remedies that support children with disabilities, their families, and the child care provider.

(d) The dispute resolution process may include:

(1) an ombudsman;

(2) mediation;

(3) other appropriate informal resolution processes; or

(4) partnerships with other relevant State agencies.

(e) On or before October 1, 2017, the State Department of Education shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report that includes:

(1) the dispute resolution process developed by the workgroup in accordance with the provisions of this Act; and

(2) draft legislation or regulations to implement the dispute resolution process developed by the workgroup.

~~Article—Education~~

~~9.5-303.~~

~~(a) The State Board shall adopt regulations that relate to the registration of family child care homes and large family child care homes.~~

~~(e) At a minimum, the regulations shall provide for:~~

~~(1) Minimum standards of environmental health and safety, including provisions for:~~

~~(i) Adequate and safe physical surroundings, including requirements for window coverings in accordance with § 5-505 of the Family Law Article;~~

~~(ii) The physical and mental health of child care providers; and~~

~~(iii) Investigation of any criminal record of a child care provider;~~

~~(2) A thorough evaluation of each prospective family child care home, large family child care home, and child care provider, to be completed before the Department accepts an initial registration;~~

~~(3) An initial family child care registration that expires 2 years after its effective date;~~

~~(4) A continuing family child care registration that:~~

~~(i) Upon application by the child care provider that meets the requirements set by the Department, is issued to the provider before the end of the initial registration period; and~~

~~(ii) Once issued, remains in effect until surrendered, suspended, revoked, or replaced by a conditional registration;~~

~~(5) Reporting of any changed circumstances that relate to the requirements, by the child care provider, at the time the change occurs;~~

~~(6) An orientation to be provided to prospective child care providers by the Department before initial registration;~~

~~(7) Announced inspection by the Department of each registered family child care home and large family child care home prior to issuance of an initial or continuing registration to determine whether applicable requirements are being met;~~

~~(8) Unannounced inspection by the Department of each registered family child care home and large family child care home at least once during each 12-month period that an initial or continuing registration is in effect to determine whether safe and appropriate child care is being provided;~~

~~(9) Procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;~~

~~(10) A DISPUTE RESOLUTION PROCESS THAT:~~

~~(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME;~~

~~(II) IS UNIFORM AND TIMELY;~~

~~(III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;~~

~~(IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;~~

~~(V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND~~

~~(VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;~~

~~[(10)](11) A requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:~~

~~(i) Basic first aid training through the American Red Cross or through a program with equivalent standards; and~~

~~(ii) 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 family child care home or large family child care home; and~~

~~[(11)] (12) (i) A requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home'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 family child care home or large family child care home; and~~

~~(ii) A requirement that the notice sent by the family child care home or large family child care home shall:~~

~~1. Be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;~~

~~2. Be in writing;~~

~~3. Identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and~~

~~4. Describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.~~

~~9-5-404.~~

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

~~(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;~~

- and reporting;
- (ii) ~~Instructing licensees and staff concerning child abuse detection~~
- and
- (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) ~~Promote proper nutrition and developmentally appropriate practices by:~~
- (i) ~~Establishing training and policies promoting breast feeding;~~
- (ii) ~~1. Requiring compliance with the United States Food and Drug Administration Child and Adult Care Food Program standards for beverages served to children, except that milk that is not nonfat or low fat may be ordered by a health care practitioner or requested by a parent or guardian; and~~
- ~~2. Prohibiting beverages other than infant formula that contain added sweetener or caffeine; and~~
- (iii) ~~Setting limits on screen time;~~
- (6) ESTABLISH A DISPUTE RESOLUTION PROCESS THAT:**
- (I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP THEIR CHILDREN IN A CHILD CARE CENTER;**
- (II) IS UNIFORM AND TIMELY;**
- (III) INCLUDES A PROCESS FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION BASED ON A CHILD'S DISABILITY;**
- (IV) REQUIRES WRITTEN FINDINGS TO BE MADE AS TO WHETHER DISCRIMINATION HAS OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW;**
- (V) ESTABLISHES APPROPRIATE REMEDIES IF DISCRIMINATION IS DETERMINED TO HAVE OCCURRED IN VIOLATION OF STATE OR FEDERAL LAW; AND**
- (VI) AUTHORIZES THE USE OF AN OMBUDSMAN, A MEDIATOR, OR OTHER INFORMAL RESOLUTION PROCESSES IF NECESSARY;**

~~[(6)] (7)~~ Carry out otherwise the purposes and requirements of this subtitle, including imposition of intermediate sanctions to ensure compliance;

~~[(7)] (8)~~ 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;

~~[(8)] (9)~~ (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;~~

~~[(9)] (10)~~ (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;~~

~~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;~~

~~[(10)] (11)~~ (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~~

~~[(11)] (12) Require a child care center to have window coverings in accordance with § 5-505 of the Family Law Article.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the dispute resolution processes required in Section 1 of this Act shall be developed by a workgroup that includes:~~

- ~~(1) at least one representative from:~~
 - ~~(i) the Department, including the Office of Child Care;~~
 - ~~(ii) Disability Rights Maryland;~~
 - ~~(iii) the Maryland Developmental Disabilities Council; and~~
 - ~~(iv) Maryland Family Network;~~
- ~~(2) at least three child care providers representing different child care settings; and~~
- ~~(3) any other stakeholders the workgroup considers necessary.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July June 1, 2017.~~

Approved by the Governor, May 25, 2017.