

SENATE BILL 943

O4, F1

7lr2255
CF HB 456

By: **Senators Smith, Feldman, Ferguson, and Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2017

CHAPTER _____

1 AN ACT concerning

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

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

20 ~~BY repealing and reenacting, without amendments,~~
21 ~~Article – Education~~
22 ~~Section 9.5 – 303(a)~~
23 ~~Annotated Code of Maryland~~
24 ~~(2014 Replacement Volume and 2016 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, with amendments,
Article — Education
Section 9.5 — 303(e) 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:

(i) the State Department of Education, 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, or child care associations, representing different child care settings; 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~[(10)](11) A requirement that each registered child care provider shall hold~~
 7 ~~a current certificate indicating successful completion of approved:~~

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

10 ~~(ii) Cardiopulmonary resuscitation (CPR) training through the~~
 11 ~~American Heart Association or through a program with equivalent standards appropriate~~
 12 ~~for the ages of children for whom care is provided in the family child care home or large~~
 13 ~~family child care home; and~~

14 ~~[(11)](12) (i) A requirement that a family child care home or large~~
 15 ~~family child care home that receives notice of a contaminated drinking water supply from~~
 16 ~~the family child care home's or large family child care home's supplier of water, in~~
 17 ~~accordance with § 9-410 of the Environment Article or otherwise, send notice of the~~
 18 ~~drinking water contamination to the parent or legal guardian of each child attending the~~
 19 ~~family child care home or large family child care home; and~~

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

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

25 ~~2. Be in writing;~~

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

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

32 ~~9.5-404.~~

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

- 1 **~~(b) These rules and regulations shall:~~**
- 2 **~~(1) Ensure safe and sanitary conditions in child care centers;~~**
- 3 **~~(2) Ensure proper care, protection, and supervision of children in child care~~**
4 **~~centers;~~**
- 5 **~~(3) Ensure the health of children in child care centers by:~~**
- 6 **~~(i) Monitoring children for signs and symptoms of child abuse;~~**
- 7 **~~(ii) Instructing licensees and staff concerning child abuse detection~~**
8 **~~and reporting;~~**
- 9 **~~(iii) Monitoring health practices to help prevent the spread of disease;~~**
10 **~~and~~**
- 11 **~~(iv) Monitoring the care of infants and children with special needs;~~**
- 12 **~~(4) Promote the sound growth and development of children in child care~~**
13 **~~centers;~~**
- 14 **~~(5) Promote proper nutrition and developmentally appropriate practices~~**
15 **~~by:~~**
- 16 **~~(i) Establishing training and policies promoting breast feeding;~~**
- 17 **~~(ii) 1. Requiring compliance with the United States Food and~~**
18 **~~Drug Administration Child and Adult Care Food Program standards for beverages served~~**
19 **~~to children, except that milk that is not nonfat or low fat may be ordered by a health care~~**
20 **~~practitioner or requested by a parent or guardian; and~~**
- 21 **~~2. Prohibiting beverages other than infant formula that~~**
22 **~~contain added sweetener or caffeine; and~~**
- 23 **~~(iii) Setting limits on screen time;~~**
- 24 **~~(6) ESTABLISH A DISPUTE RESOLUTION PROCESS THAT:~~**
- 25 **~~(I) ADDRESSES THE NEEDS OF FAMILIES TO OBTAIN AND KEEP~~**
26 **~~THEIR CHILDREN IN A CHILD CARE CENTER;~~**
- 27 **~~(II) IS UNIFORM AND TIMELY;~~**

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

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

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

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

10 ~~[(6)] (7) Carry out otherwise the purposes and requirements of this~~
11 ~~subtitle, including imposition of intermediate sanctions to ensure compliance;~~

12 ~~[(7)] (8) Prohibit a child from remaining at a child care center for more~~
13 ~~than 14 hours in 1 day unless the Department issues an exception for that child based on~~
14 ~~guidelines set by the State Superintendent;~~

15 ~~[(8)] (9) (i) Require that a child care center have in attendance at all~~
16 ~~times at least 1 individual who is responsible for supervision of children, including children~~
17 ~~on field trips, and who holds a current certificate indicating successful completion of~~
18 ~~approved:~~

19 ~~1. Basic first aid training through the American Red Cross~~
20 ~~or through a program with equivalent standards; and~~

21 ~~2. Cardiopulmonary resuscitation (CPR) training through~~
22 ~~the American Heart Association or through a program with equivalent standards~~
23 ~~appropriate for the ages of children for whom care is provided in the child care center; and~~

24 ~~(ii) Require that a child care center serving more than 20 children~~
25 ~~have in attendance certificate holders described in item (i) of this item in a ratio of at least~~
26 ~~1 certificate holder for every 20 children;~~

27 ~~[(9)] (10) (i) Require that a child care center that receives notice of a~~
28 ~~contaminated drinking water supply from the child care center's supplier of water, in~~
29 ~~accordance with § 9-410 of the Environment Article or otherwise, send notice of the~~
30 ~~drinking water contamination to the parent or legal guardian of each child attending the~~
31 ~~child care center; and~~

32 ~~(ii) Require that the notice sent by the child care center shall:~~

33 ~~1. Be sent within 10 business days after receipt of the notice~~
34 ~~of contamination from the child care center's water supplier;~~

1 ~~2. Be in writing;~~

2 ~~3. Identify the contaminants and their levels in the center's~~
3 ~~water supply; and~~

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

7 ~~[(10)](11) (i) Require a child care center to have a written emergency~~
8 ~~preparedness plan for emergency situations that require evacuation, sheltering in place, or~~
9 ~~other protection of children, such as in the event of fire, natural disaster, or other~~
10 ~~threatening situation that may pose a health or safety hazard to the children in the child~~
11 ~~care center;~~

12 ~~(ii) Require the plan under item (i) of this item to include:~~

13 ~~1. A designated relocation site and evacuation route;~~

14 ~~2. Procedures for notifying parents or other adults~~
15 ~~responsible for the child of the relocation;~~

16 ~~3. Procedures to address the needs of individual children,~~
17 ~~including children with special needs;~~

18 ~~4. Procedures for the reassignment of staff duties during an~~
19 ~~emergency, as appropriate; and~~

20 ~~5. Procedures for communicating with local emergency~~
21 ~~management officials or other appropriate State or local authorities; and~~

22 ~~(iii) Require a child care center to train staff and ensure that staff are~~
23 ~~familiar with the plan; and~~

24 ~~[(11)](12) Require a child care center to have window coverings in~~
25 ~~accordance with § 5-505 of the Family Law Article.~~

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

28 ~~(1) at least one representative from:~~

29 ~~(i) the Department, including the Office of Child Care;~~

30 ~~(ii) Disability Rights Maryland;~~

- 1 ~~(iii) the Maryland Developmental Disabilities Council; and~~
- 2 ~~(iv) Maryland Family Network;~~
- 3 ~~(2) at least three child care providers representing different child care~~
4 ~~settings; and~~
- 5 ~~(3) any other stakeholders the workgroup considers necessary.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.