



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB280
Child Care Providers - Registration and Licensing - Exemptions

Chair Feldman, Vice Chair Kagan, and Distinguished Members of the Senate
Education, Energy, and the Environment Committee:

Problem

There is a child care crisis in Maryland and around the country. There are not enough providers, yet median hourly pay is \$11.59.¹ Despite these low salaries, Maryland families pay an average of \$855 per month for 4-year-old care and \$1,278 per month for infant care, according to the Economic Policy Institute.² To make matters worse, 6,957 licensed family child care (FCC) programs closed across the country between December 2019 and March 2021, representing a 10% loss in licensed FCC programs.³ Maryland has taken steps to address access and affordability issues in child care, but more needs to be done.

Background

The U.S. Department of Defense (DOD) faces similar challenges when it comes to providing child care to service members and other DOD employees. The DOD child care system originated in the 1970s, with informal efforts on military bases to provide military families with ad hoc, part-time care. In 1989, the Military Child Care Act was enacted to improve the quality, safety, availability, and affordability of military child care.

According to a 2023 U.S. Government Accountability Office report, approximately 49,300 children were enrolled in DOD's on-base child development centers (CDC), 24,700 children were enrolled in DOD's school-age care programs, and 2,700 children were receiving care in DOD FCC homes.⁴ When on-base care is not available at certain locations, or service members' homes are not located near a base, DOD offers fee assistance to families who obtain care at eligible civilian child care providers.

¹ <https://cscce.berkeley.edu/workforce-index-2020/states/maryland/>

² <https://www.epi.org/child-care-costs-in-the-united-states/#/MD>

³ [https://info.childcareaware.org/hubfs/2022-03-FallReport-FINAL%20\(1\).pdf](https://info.childcareaware.org/hubfs/2022-03-FallReport-FINAL%20(1).pdf)

⁴ <https://www.gao.gov/assets/gao-23-105518.pdf>

By and large, DOD facilities have more vigorous safety and training requirements than civilians ones. Civilian child care programs generally must adhere to state licensing standards, and may also choose to pursue accreditation, which focuses on the quality of care. For accreditation, national accrediting organizations establish and use quality standards (e.g., related to staff training and support, leadership and management, or curricula) to assess the quality of child care programs. While only 9 percent CDCs in the U.S. were accredited in 2019, DOD data showed 97 percent of DOD CDCs were.⁵ Within DOD, child care facilities are subject to federal statutory requirements, including an accreditation requirement for all CDCs, required training elements for staff, and inspection requirements. Please see Appendix I for a full comparison of Maryland and DOD child care requirements.

Service members are often required to move to new locations, sometimes making change-of-station moves every 2 to 3 years, which can disrupt child care and work arrangements. Service members also work non-traditional hours and may be deployed with relatively little notice. Service members rely on a child care environment that caters to their needs.

As the Fiscal Note states, family child care homes, large family child care homes, and child care centers may not operate in the State unless they are registered or licensed. For military spouses who move to Maryland (often because of their spouse's change-of-station), they must go through Maryland's duplicative child care licensure process, despite already having credentials that exceed Maryland's requirements. This can delay their ability to start working and stifle the supply of much-needed military child care providers. As stated above, when the DOD cannot meet its own child care needs through its network, it will offer a fee for service members to purchase child care in a civilian setting, exacerbating Maryland's child care shortage.

Solution – SB280

This bill would help increase the supply of child care providers and speed up the process for military families to secure gainful employment. SB280 would exempt DOD FCC facilities from Maryland licensure requirements if the FCC is located on a military installation or if it is certified as an FCC Provider by a branch of the DOD or the U.S. Coast Guard. I am offering a technical amendment that clarifies that the children served by these facilities are military dependents only and that an installation commander has the discretion to determine which military dependents may be served.

I respectfully request a favorable report on Senate Bill 280.

⁵ Ibid.

Appendix I: Comparison of Maryland and DoD Child Care Requirements

	Maryland	DoD
Who is in Charge?	Dept. of Education	Child Development Services/Installation Commander
Source of Information	Title 13A STATE BOARD OF EDUCATION; Subtitle 15 FAMILY CHILD CARE; Chapter 06 Provider Requirements	AR 608-10 dtd 11 May 2017
In home interview (If FCC)		X
At least 18 y.o.	X	X plus High School Diploma
Face to Face Orientation	X	X
Registration	X	X
Emergency Plan	X	X
Evacuating the home; practice 1 X mo		X
Sheltering in place; 2 x year		X
Contacting Parents/ local EMS 2 x year		X
Special needs		X
Evacuation of sleeping children		X
Designated substitute 18 or older	X	X
Environmental review	X	X
Meets fire codes	X	X
Lactation room	X	X
Lead Free	X	X
Toilet and Sink Accessible to kids	X	X
Telephone	X	X
Clean – no infestation	X	X
Enclosed, ample outdoor space	X	X
Criminal background check	X	X (See Table 2-1)
> 18 in home	X	X all 12 years and older
Paid substitute	X	X
Child & adult abuse check	X	X
Medical evaluation each resident	Only if childcare respons.	X
Ratios: Under two	2:1 unless completed 3 sem/45 hours addl training care of children <2	Centers 2:1 ≤6 wks max 6 4:1 6 wks – 12 mo. max 8 5:1 12 mo – 24 mo max 10 7:1 24 mo – 3 yrs max 14 10:1 3 – 5 yrs max 20 15:1 school age max 30
Maximum Occupancy Family Home	8 children under 13	Family Child Care Homes 6:1 4 wks – 12 years max 6 3:1 NB/Infant/Toddler max 3

		8:1 School age max 8
Remain in sight if resting and < 2 y.o./ check q 15 min	X	X
Plan/post schedule of daily activities		X
Include language & literacy	X	X
Mathematical thinking	X	X
Scientific thinking	X	X
Social studies	X	X
Creative arts and dramatic play	X	X
Gross and small motor skills	X	X
Outdoor play morning/afternoon	X	X
Periods of rests	X	X
Limits on screen time (< than 2 no passive technology; > 2 no more than 30 min/week)	X	X
First Aid Kit	X	X
Food and snacks. Supplies all beverages and milk	Provided by child's family or provider	X
Building inspections & permits	X	X
In-home inspections (fire, safety, health & sanitation)		X
Fees	X	X
Discipline policy	X	X
Presence of pets in home	X	X
Use of Volunteers	X	X
If overnight, sleeping arrangements	X	X
Unannounced inspections		4 x year

DOD Fees: Multiple child reductions of 20% or less may be offered when more than one child in a family requires center-based care. The reductions are given on the less expensive form of care.

TRAINING		
	Maryland	DoD
Individual Development Plan	X	X
Within two years		90 clock hours
Child Dev. Curriculum	4 hours	Infant; toddlers; pre-school; school-age
Health	4 hours	
Safety & Nutrition	4 hours	
Special Needs	4 hours	
Professionalism	4 hours	
Community	4 hours	
Basic First Aid – American Red Cross or equiv	X	X
CPR	X	X
Sudden Infant Death Syndrome	within 5 years	X
Supporting Breastfeeding	X	X
Emergency/Disaster Planning	X	X
Medication Administration	X	X
Americans with Disabilities Act	3 hours	X
	+ 18 hours approved by office	
Behavior management techniques		
Child abuse identification and reporting		X
Child abuse and neglect prevention and response		X
Child development norms and principles		X
Child health and nutrition		X
Child safety practices		X
Curriculum development for infants; toddlers; pre-school aged; school-aged children		X
Food service techniques		X
Observation/interviewing/screening		X
Parent education		X
Parent involvement		X
Sanitation practices		X
Sick child care/HIV		X
Space utilization for child activity areas		X
Special needs		X
Techniques working with infants; toddlers; pre-school and school aged children		X
Volunteer management		X
OR Assoc. Degree with 15 semester hours of early childhood or elementary education course work	X	OR Child Development Associate Credential
OR BS in Early Childhood Education or Elementary Education	X	
***Note: The MD Dept. of Education accepts DoD training modules for child care providers		

CONTINING EDUCATION TRAINING		
	Maryland	DoD
CPR/First Aid/SIDS update		Every year
Health & Safety	By end of 12 mo.	
	12 hours (6 in core)*	24 hours

*Does NOT include SIDS training

Substitute requirements in Maryland: Medical evaluation within the last 12 months; state criminal background check; “presents no risk to the health, safety or welfare of children”; **Orientation** to location of the telephone and emergency numbers; first aid supplies; child emergency forms; medication administration information for each child; modified diet information; emergency evacuation procedures; permissible and appropriate child discipline procedures; authorized child release procedures; procedures for document and reporting child injuries. See 13A.15.06.03

Substitutes do not have to complete any minimal training

Additional adult requirements in Maryland: 18 years old; attends an information session in the office concerning the requirements of this subtitle for care of children less than 2; medical report within 12 months; background check; CPR and basic first aid; SIDS training within last 5 years; office approval. See 13A.15.06.04

Additional adults do not have to complete any minimal training

Volunteer requirements in Maryland: “presents no risk to the health, safety or welfare of children”; child health and safety orientation; applied for a background check; must be accompanied by provider, substitute or add'l adult; if less than 18 may not be permitted to work with a child who is less than 2. See 13A.15.06.05

Volunteers do not have to complete any minimal training except a child health and safety orientation

Table 2-1
Records screening requirements — Continued

Name of check	Agency/office	Timeframe
Army Central Registry	Medical Treatment facility (Chairperson, Family Advocacy Case Review Committee)	Prior to employment or provision of care. (CDC) Annually (FCC)
Local Military Police (MP)	Provost Marshal	Prior to employment or provision of care. (CDC) Annually (FCC)
Criminal Investigation Division Records Check to include Defense Central Investigative Index (DCII) Check	United States Criminal Investigation Command (USACIDC)	Prior to employment or LOSS for employees ⁴ Annually (FCC)
Civilian Law Enforcement Records Check ¹	Provost Marshal	Prior to employment or provision of care.
Alcohol and Drug Prevention and Control Program	Drug/Alcohol	Prior to employment or provision of care. (CDC) Annually (FCC)
National Agency Check (NAC) ² (NAF employees)	Civilian Personnel Office	Completed during first 6 months of employment ⁴ .
National Agency Check Investigation (NACI) ² (NAF employees)	Civilian Personnel Office	Completed during first 6 months of employment ⁴ .
Housing Office ³	Family Housing Officer/Building coordinator	Prior to provision of care.
Sponsor Unit Commander ³	Sponsor Unit Commander	Prior to provision of care.
Crime control Act— State Criminal History Repository (SCHAR) ² Fingerprint Check through identification Division of FBI ²	Civilian Personnel Office Civilian Personnel Office (included as part of NAC/NACI check)	Prior to employment or with LOSS ⁴ Prior to employment or with LOSS ⁴

Notes:

Volunteers may be placed in CDS systems prior to completion of background checks since they always work with CDS employees or provider and are never left alone with children.

¹ Within United States only. If obtainable from local police authorities.

² Applies to employees only. Not applicable to FCC providers, FCC family members, CDS Volunteers and youth applicants.

³ Applies to FCC providers, substitute FCC providers, FCC family members age and older and other authorized individuals residing in the FCC home only.

⁴ Line of Sight Supervision (LOSS). New personnel may be hired/contracted conditionally pending completion of background checks, provided they are under Line of Sight Supervision at all time child occupied areas monitored by a cleared employee will also satisfy the LOSS requirement.