

MARYLAND REGISTER

# Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	04/07/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 5/15/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

13A 14 07 01, .02, .04 and .05

**3. Name of Promulgating Authority**

Maryland State Department of Education

**4. Name of Regulations Coordinator**

Charlene L Necessary

**Telephone Number**

410-767-0467

**Mailing Address**

200 W. Baltimore Street

**City State Zip Code**

Baltimore MD 21201

**Email**

charlene.necessary@maryland.gov

**5. Name of Person to Call About this Document**

Elizabeth Kelley

**Telephone No.**

410-767-7806

**Email Address**

elizabeth.kelley@maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: March 10, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Christle Sheppard-Southall, Assistant Attorney General, (telephone #410-767-7829) on April 3, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Lillian M. Lowery, Ed.D.

**Title**

State Superintendent of Schools

**Telephone No.**

410-767-0467

**Date**

April 7, 2015

**Title 13A**  
**A STATE BOARD OF EDUCATION**

**Subtitle 14 CHILD AND FAMILY DAY CARE**

**13A.14.07 Family Day Care Provider Direct Grant Fund**

Authority: Family Law Article, §§5-550—5-557 and 5-559.1—5.559.8, Annotated  
Code of Maryland

**Notice of Proposed Action**

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The State Superintendent of Schools proposes to amend Regulations .01, .02, .04, and .05 under COMAR 13A.14.07 Family Day Care Provider Direct Grant.

**Statement of Purpose**

The purpose of this action is to remove the fixed monthly award cycles and permit awards to be made at any time during a 12-month period; and to remove the requirement to update State Median Income amounts on an annual basis.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 TTY:410-333-6442, or email to [elizabeth.kelley@maryland.gov](mailto:elizabeth.kelley@maryland.gov), or fax to 410-333-6226. Comments will be accepted through June 15, 2015. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Federal funds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These proposals do not involve any State or local government revenue or expenditure, nor do they involve any revenue or expenditure by child care programs affected by the proposals.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The only small businesses affected by these proposals are family child care homes, and the proposals do not involve any revenue or expenditure by the operators of those homes.

G. Small Business Worksheet:

Attached Document:

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## **Title 13A STATE BOARD OF EDUCATION**

### **Subtitle 14 CHILD AND FAMILY DAY CARE**

#### **Chapter 07 Family [Day] *Child* Care Provider [Direct] Grant Fund**

Authority: Family Law Article, §§5-550—5-557 and 5-559.1—5.559.8, Annotated Code of Maryland

##### **.01 Scope.**

This chapter sets forth the purpose of the Family [Day]*Child* 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.

##### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) "Fund" means the Family [Day] *Child* Care Provider [Direct] Grant Fund.

(6)—(7) (text unchanged)

(8) "Provider" means a registered family [day] *child* care provider who cares for not more than eight children under a current certificate of registration issued under [COMAR 13A.14.01] *COMAR 13A.15*.

**.04 Applications.**

A.—C. (text unchanged)

[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:

<i>Family Size</i>	<i>60% of SMI</i>
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

\* 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.]D.—[F.]E. (text unchanged)

**.05 Awards.**

A. [For award purposes, the Office shall divide the annual fund allocation into 12 equal monthly funding allocations.] *The Office shall make Family Child Care Provider Grant Fund awards to eligible applicants each month until the annual fund allocation is exhausted.*

[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.]B. Within 15 calendar days after the end of each month, the Office shall:

(1)—(2) (text unchanged)

[E.]C. Reconsideration for Award.

[(1)] If, due to exhaustion of the [monthly] *annual* funding allocation *for a given year*, 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] *under the next year's annual funding allocation*.

[(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.]D. (text unchanged)

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

