

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	11/13/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/26/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

13A 14 09 02—.10

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

cnecessary@msde.state.md.us

5. Name of Person to Call About this Document

Angeline Bishop-Oshoko

Telephone No.

410-767-6916

Email Address

angeline.bishop-oshoko@maryland.gov

6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: May 30, 2014.
 - 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 September 30, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Charlene L. Necessary

Title

Regulations Coordinator

Telephone No.

410-767-0467

Date

November 13, 2014

Title 13A
A STATE BOARD OF EDUCATION

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.09 Maryland Child Care Credential Program

Authority: Family Law Article, §5-573, Annotated Code of Maryland

Notice of Proposed Action

[]

The State Superintendent of Schools proposes to amend COMAR 13A.14.09 Maryland Child Care Credential Program.

Statement of Purpose

The purpose of this action is to clarify certain existing definitions and add certain new definitions; and clarify participation requirements and bonus payment amounts paid for participation.

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 Angeline Bishop-Oshoko, Manager, Child Care Credentialing Branch, Maryland State Department of Education, Division of Early Childhood Development, 200 W. Baltimore Street, Baltimore, Maryland 21201, or call 410-767-6916(TTY:410-333-6422), or email to angeline.bishop-oshoko@maryland.gov, or fax to 410-333-6226. Comments will be accepted through January 26, 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

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 will not result in any actual increase or decrease in agency revenues or expenditures, or in any additional benefit or cost for any of the regulated child care programs that are subject to these regulations.

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

These proposals do not require any expenditure on the part of any child care program, nor do they provide any revenue or other fiscal benefit for any child care program.

G. Small Business Worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 14 CHILD AND FAMILY DAY CARE

Chapter 09 Maryland Child Care Credential Program

Authority: Family Law Article, [§5-573]§§5-551 and 5-573, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Accreditation" means the assessment of a *child care* facility by an accreditation organization approved by the Office, such as, *but not limited to*, the:

(a)—(b) (text unchanged)

(c) National Association for Family Child Care; *or*

(d) National Early Childhood Professional Accreditation[;].

[(e) National After School Association.]

(2)—(5) (text unchanged)

(6) "Approved setting" means a:

(a) (text unchanged)

- (b) Registered family [day] *child care home, including a large family child care home;*
- (c)—(f) (text unchanged)
- (7)—(10) (text unchanged)
- (11) "*Child care facility*" means a:
 - (a) *Registered family child care home, including a large family child care home;*
 - (b) *Licensed child care center;*
 - (c) *Letter of compliance facility; or*
 - (d) *Child care program authorized by the U.S. Department of Defense.*
- [(11)](12)—[(13)](14) (text unchanged)
- [(14)](15) "Continued training" means approved training that is taken on an annual or continuing basis to fulfill the requirements of this chapter and of:
 - (a) COMAR 13A.15; [or]
 - (b) COMAR 13A.16[.];
 - (c) *COMAR 13A.17; or*
 - (d) *COMAR 13A.18.*
- [(15)](16) (text unchanged)
- [(16)](17) "Core of knowledge training" means training that has been evaluated and approved by the Office as meeting the standards for the core of knowledge and the requirements of:
 - (a) COMAR 13A.15; [or]
 - (b) COMAR 13A.16[.];
 - (c) *COMAR 13A.17; or*
 - (d) *COMAR 13A.18.*
- [(17)](18)—[(18)](19) (text unchanged)
- [(19)](20) "Credential [program] achievement bonus" means a cash payment awarded to a program participant who achieves, or renews program participation at, a specified credential level.
- [(20)](21) (text unchanged)
- [(21)](22) "Experience" means working directly with children in a:
 - (a) [Registered family day care home] *Child care facility; or*
 - (b) Supervised program, such as a:
 - [(i)] Child care center;]
 - [(ii)](i) Nursery school;
 - [(iii)](ii) Public or private school;
 - [(iv)](iii) Parks and recreation program; or
 - [(v)](iv) Similar program recognized by the Office of Child Care.
- [(22)] "Facility" means a registered family day care home or a licensed child care center.]
- (23)—(24) (text unchanged)
- (25) "Lead staff" means the director of a child care facility or a *child care* facility staff member designated to be in charge of the facility or a classroom of children at a given time during the facility's approved hours of operation.
- (26) (text unchanged)
- (27) "One year of college" means the successful completion of 30 [semester] *college credit* hours [of college course work].
- (28) "One year of college course work" means not less than 30 [semester] *college credit* hours [of course work] from a regionally accredited college or university that have been successfully completed for credit.
- (29)—(31) (text unchanged)
- (32) "Pre-service training" means training that is received:
 - (a) (text unchanged)
 - (b) To meet initial employment [qualifications for child care center staff members as set forth under COMAR 13A.16.06] *qualification requirements established for registered family child care homes, licensed child care centers, or letter of compliance facilities.*
- (33) "Provider" means:
 - (a) A registered family [day] *child care* provider or co-provider;
 - (b) An approved additional adult in a registered family [day] *child care* home[, as identified at COMAR 13A.15.06.04];
 - (c) [A child care center:
 - (i) Director, as identified at COMAR 13A.16.06.06—.08; or
 - (ii) Staff member] *The director of a child care facility; or*
 - (d) [In a letter of compliance facility, the child care program director or a staff member] *A staff member in a child care facility.*
- (34) "Related discipline" means the completion of at least 15 [semester] *college credit* hours of approved core of knowledge coursework.
- (35) "Staff member" means an individual, *other than a volunteer or a substitute*, who [works with children in a licensed child care center or a letter of compliance facility and meets the requirements of COMAR 13A.16.01.02B(54)]

or COMAR 13A.17.01.02B(43), as applicable] *is assigned responsibility for child care in a child care facility and, if applicable, whose assignment helps to maintain required staff/child ratios.*

(36) "Successful completion" means meeting the requirements of a [workshop, seminar, or other course and]:

- (a) *Workshop, training, or seminar for which a certificate of completion is received; or*
- (b) *College course taken for credit in which a grade of "C" or higher is earned.*

[(37)](37) "Tiered reimbursement" means a system of graduated child care subsidy payments made to an eligible child care provider or a child care facility operator pursuant to COMAR 13A.14.06 that is based on achievement by the provider or operator of successive levels of child care program quality and staff professionalism.

- (a) Earning a grade of "C" or higher; or
- (b) Receiving documentation of completion.]

[(38)](37) (text unchanged)

[(39)](38) "Training voucher" means a coupon given by the Office to a participant to purchase *pre-service or conference* training from an approved training source.

[(40)](39) "Transcript" means an official statement from a college or university which identifies the:

- (a)—(f) (text unchanged)
- (g) Number of [hours] *credits* completed; and
- (h) (text unchanged)

.03 General Requirements.

A. (text unchanged)

B. Eligibility for Participation.

(1) Participation in the credential program is limited to providers, as defined at Regulation [.02B(31)] .02B(33) of this chapter.

(2) The following individuals *who are employed or serve in a child care facility* are not eligible to participate in the credential program:

- (a) Substitutes;
- (b) Volunteers [who do not regularly serve on a full-time basis as staff members, as defined at COMAR 13A.16.01.02B(54) or COMAR 13A.17.01.02B(43), as applicable];

(c) *Support staff, such as clerical workers and van drivers, who do not have child care responsibilities and, if applicable, whose assignment does not help to maintain required staff/child ratios;*

[(c)](d) A family [day]child care provider, child care center operator, or letter of compliance facility operator whose registration certificate, center license, or letter of compliance is the subject of suspension or revocation action; and

[(d)](e) [As of September 1, 2007, a]A provider who has a documented history of confirmed complaints involving serious harm to a child in care including but not limited to child abuse, child neglect, injurious treatment of a child, or child supervision.

C.—D. (text unchanged)

.04 Child Care Credential Requirements.

A. Staff Credential 1. The only qualification for a level 1 credential shall be:

- (1) Current registration as a family [day]child care provider or co-provider;
- (2) Qualification by the Office as a child care [center] facility:
 - (a) (text unchanged)
 - (b) Staff member[; or
- (3) Current employment as the child care program director or a staff member in a letter of compliance facility].

B.—D. (text unchanged)

E. Staff Credential 4 Plus. Qualification for a level 4 plus credential requires a participant to:

- (1) Successfully complete 135 clock hours of core of knowledge training [consisting of:
 - (a) 45 clock hours in child development;
 - (b) 30 clock hours in curriculum development;
 - (c) 20 clock hours in health, safety, and nutrition;
 - (d) 15 clock hours in special needs;
 - (e) 15 clock hours in professionalism; and
 - (f) 10 clock hours in community issues;]as specified at §D(1) of this regulation;
- (2)—(3) (text unchanged)

(4) Meet one of the following requirements:

(a) [Hold current Family Day Care Program Accreditation]Hold current accreditation as a family child care provider;

- (b) Complete at least:
 - (i) 15 [semester] college credit hours of approved course work that includes courses in child development and curriculum planning; and
 - (ii) (text unchanged)
- (c) (text unchanged)

- F. Staff Credential 5. Qualification for a level 5 credential requires a participant to:
- (1)—(2) (text unchanged)
 - (3) Complete one of the following:
 - (a) An associate degree with 15 [semester]*college credit* hours of approved course work that includes courses in child development and curriculum planning;
 - (b) 30 [semester]*college credit* hours of approved course work that includes at least one course in each of the following areas:
 - (i)—(viii) (text unchanged)
 - (c) 15 [semester]*college credit* hours of approved course work, enrolled in an approved degree program, and accumulate 45 points by earning 5 points for completing each additional:
 - (i)—(ii) (text unchanged)
- G.—I. (text unchanged)
- J. Administrator Credential 3. Qualification for a level 3 credential requires completion of:
- (1)—(2) (text unchanged)
 - (3) An associate degree from an accredited college that includes:
 - (a) 15 [semester] *college credit* hours of course work related to business management or administration; and
 - (b) (text unchanged)
- K. Administrator Credential 4. Qualification for a level 4 credential requires completion of:
- (1)—(3) (text unchanged)
 - (4) A bachelor's, master's, or doctoral degree from an accredited college or university in:
 - (a) (text unchanged)
 - (c) Public school administration; [or]
 - (d) *A degree as specified at §G(3) of this regulation; or*
 - [(d)](e) (text unchanged)
 - (5) (text unchanged)

.05 Application for Credential.

- A. (text unchanged)
- B. Application for Participation.
 - (1)—(2) (text unchanged)
 - (c) Documentation of participation in child care professional activities which includes but is not limited to a [canceled check,] membership card, letter of participation, or certificate of recognition.
 - (3) An applicant for a Staff Credential or Administrator Credential at level 2 or higher shall submit:
 - (a) (text unchanged)
 - (b) Documentation of experience, which shall consist of:
 - (i)—(ii) (text unchanged)
 - (iii) A copy of the applicant's current family [day]*child* care registration certificate *with at least one child attendance sheet completed during the past 12 months.*
 - (4) (text unchanged)
- C. (text unchanged)
- D. Notification to Applicant. Within [30]60 days of receiving an application, the Office shall notify the applicant of the status of the application.
- E. (text unchanged)

.06 Credential [Program]Achievement Bonus.

- A. [Achievement Bonus.]A *credential* program participant shall receive an achievement bonus upon:
 - (1) Initial entry into the credential program at Staff Credential or Administrator Credential level 2 or higher; *and*
 - (2) Achievement thereafter of [each successively higher credential level; and]:
 - (a) *Each successively higher credential level; or*
 - (b) *Annual approval at:*
 - (i) *Staff Credential levels 4 Plus through 6; or*
 - (ii) *Administrator Credential levels 2 through 4.*
 - [(3) For Staff Credential levels 4 Plus through 6 and Administrator Credential levels 2 through 4, completion of each 12-month period at the current credential level.
- B. Renewal Bonus. A program participant shall receive a renewal bonus:
 - (1) For Staff Credential levels 2 through 4 and Administrator Credential level 1, one time upon renewal at the current credential level; and
 - (2) For Staff Credential levels 4 Plus through 6 and Administrator Credential levels 2 through 4, at each renewal at the current level.]
- B. *An achievement bonus shall be awarded:*
 - (1) *One time only at:*
 - (a) *Staff Credential levels 2 through 4; and*
 - (b) *Administrator Credential level 1; and*

- (2) *Annually for:*
 - (a) *Staff Credential levels 4 Plus through 6; and*
 - (b) *Administrator Credential levels 2 through 4.*

C. To receive an achievement bonus, a participant shall:

- (1) (text unchanged)
- (2) File [a renewal]an application pursuant to Regulation .05E of this chapter.

D. Upon verification by the Office that the participant has met the requirements for an achievement bonus [or a renewal bonus], the Office shall award a bonus of at least the amount set forth in the following schedule:

Level	Achievement Bonus	[Renewal Bonus]
Staff Credential 1	No Award	[No Award]
Staff Credential 2	[\$100]\$200	[\$100]
Staff Credential 3	[\$150]\$300	[\$150]
Staff Credential 4	[\$250]\$500	[\$250]
Staff Credential 4 Plus	[\$300]\$600	[\$300]
Staff Credential 5	[\$375]\$750	[\$375]
Staff Credential 6	[\$500]\$1,000	[\$500]
Administrator Credential 1	[\$300]\$600	[\$300]
Administrator Credential 2	[\$375]\$750	[\$375]
Administrator Credential 3	[\$500]\$1,000	[\$500]
Administrator Credential 4	[\$750]\$1,500	[\$750]

.07 Training Vouchers and Reimbursement.

A. Eligibility for a training voucher or reimbursement is limited to individuals participating in the credential program at level two or higher.

B. During the 12-month credential period, a participant may receive not more than \$400 in training vouchers and reimbursements to pay for the cost of approved core of knowledge training.

C. Application for Training Vouchers.

(1) *An application for a training voucher shall be accepted only for a pre-service training, a statewide conference, or a national conference.*

[(1)](2) (text unchanged)

[(2)](3) Not less than 60 days before the date of the training for which the voucher will be used, the individual shall submit to the Office a complete application, which includes:

- (a) (text unchanged)
- (b) Documentation of the training for which the voucher will be used, which shall include a copy of the:
 - (i) (text unchanged)
 - (ii) [Completed registration]Registration form; or
 - (iii) [Training]Conference training advertisement.

D. (text unchanged)

E. Application for Training Reimbursement.

(1) [Instead of a training voucher, an]An individual may request and receive reimbursement for training if the:

[(a) Individual is participating in the credential program at level two or higher;]

[(b)](a) (text unchanged)

[(c)](b) Training has been successfully completed not more than [120]180 days before the date of the request;

and

[(d)](c) Individual has not received more than \$400 in training vouchers or reimbursements within the [preceding 12-month period]the individual's current credentialing period.

(2) Not more than [120]180 days after the successful completion of the training for which the reimbursement is sought, the individual shall submit to the Office a complete application, which includes:

- (a) (text unchanged)
- (b) Documentation of the training for which the reimbursement is sought, which shall include a copy of the:
 - (i) Course catalog description or training advertisement; [and]
 - (ii) Grade slip, transcript, or certificate of completion[.]; and
 - (iii) Receipt for payment indicating the amount paid.

(3) Subject to funding availability, the Office shall[, within 30 days of the receipt of the application,] approve an applicant to receive training reimbursement if the:

(a) Application is received not later than [120]180 days after the completion of training;

(b)—(d) (text unchanged)

F.—G. (text unchanged)

H. Assignment of Awards.

(1) (text unchanged)

[(2) For award purposes, the Office shall divide the annual allocation for training vouchers and reimbursement into 12 equal monthly funding allocations.]

[(3)](2) Awards are assigned [each month] according to the incomes of all applicants who are eligible for an award [during that month], with higher priority given to lower income applicants.

[(4)](3) [During each month, applicants]Applicants whose annual family income does not exceed the *current Maryland* state median income for their family size [during the current October 1 through September 30 period] shall be given priority to receive training vouchers or reimbursement during that month.

[(5) State Median Income (SMI).

(a) The Office shall amend this regulation annually to show the SMI for family size for the current October 1 through September 30 period.

(b) For the period October 1, 2006, through September 30, 2007, the SMI for family size is as follows:

Family Size	SMI
1 individual	\$46,596
2 individuals	\$60,933
3 individuals	\$75,270
4 individuals	\$89,608
5 individuals	\$103,945
6 individuals	\$118,283
7 individuals	\$120,971
8 individuals	\$123,659
9 individuals	\$126,348
10 individuals*	\$129,036

*For each additional family member above 10 individuals, add \$2,688 to the SMI figure shown for a family of

10.

(c) Until each annual amendment of this regulation becomes effective, the Office shall continue to apply the SMI applicable to the most recent October 1 through September 30 period.]

[(6)](4) [During each month, the]The Office shall make training voucher and reimbursement awards according to assigned award priority until:

(a) (text unchanged)

(b) The [monthly] funding allocation is exhausted.

[(7) At the end of a month, any unused funding allocation for that month shall be:

(a) Added to the funding allocation for the next month; and

(b) Available for award purposes during the next month.]

I. (text unchanged)

.08 Child Care Career and Professional Development Fund.

A. Fund Uses and Limitations. An award under the Fund:

(1) Shall be:

(a) Applied toward the cost of:

(i)—(ii) (text unchanged)

(iii) [Books]Course-required textbooks; and

(b) (text unchanged)

(2) (text unchanged)

B. Eligibility to submit an application is limited to individuals who:

(1) Are participating in the credential program *at level 2 or higher*;

(2) Have at least 1 year of documented experience working with groups of children in an approved setting;

[or]and

(3) (text unchanged)

C. Applications.

(1)—(3) (text unchanged)

(4) Subject to funding availability, the Office shall approve an applicant to receive an award if the:

(a) (text unchanged)

[(b) Amount requested does not exceed the actual cost of the college tuition and related fees;]

[(c)](b)—[(d)](c) (text unchanged)

(5) Upon determination by the Office that an applicant is eligible to receive an award and that funding is available:

(a) (text unchanged)

(b) An award letter shall be issued [stating the amount of the award] *to the applicant*.

(6) If an eligible applicant is denied an award due to insufficient award funds, the individual [shall] *may* reapply [in order] to be considered for a future award.

(7) (text unchanged)

(8) Assignment of Awards.

(a) (text unchanged)

(b) The Office shall make awards *annually* until:

(i)—(ii) (text unchanged)

D. Continuation and Service Requirement. Upon receipt of a Child Care Career and Professional Development Fund award, a grantee shall:

(1) Be eligible for continued funding as long as:

(a) (text unchanged)

(b) The grantee is employed *at least 10 hours per week* as a provider in an approved child care facility;

(c)—(d) (text unchanged)

(2) In relation to the number of college credits, or equivalent, completed or the degree earned due in part or in whole to receipt of a Fund award, commit to continuing employment *at least 10 hours per week* as a provider for a period of time which is the shortest of:

(a)—(c) (text unchanged)

(3)—(4) (text unchanged)

[.09 Tiered Reimbursement.

A. Application for Participation.

(1) The Office shall accept an application to participate in the tiered reimbursement program only from:

(a) A registered family day care provider who is currently providing child care for at least one unrelated child;

or

(b) An operator of a licensed child care center or letter of compliance facility.

(2) An applicant for tiered program participation shall make application in a form and format approved by the Office.

(3) The Office may not consider an application for approval until the applicant has met all requirements set forth in §§B—E of this regulation as applicable.

B. Applicant Requirements—General. An applicant shall:

(1) Be currently registered or licensed by the Office of Child Care, Division of Early Childhood Development;

(2) Hold a family child care registration, child care center license, or letter of compliance that is not the subject of suspension or revocation action;

(3) Possess the appropriate level of credential for:

(a) A family child care provider; or

(b) A minimum of 60 percent of lead staff, if the applicant is the operator of a child care center or a letter of compliance facility;

(4) Certify that at least 15 minutes are spent daily on reading time with the children in care; and

(5) If applicable, certify that a policy is in place that bases child care staff salaries on training, experience, and staff evaluation.

C. Applicants for Tiered Reimbursement, Level 2—Special Requirements. An applicant shall:

(1) Comply with the requirements in §A(2) of this regulation;

(2) Initiate a program of accreditation self-study through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;

(3) Be approved at Credential Level 2;

(4) Certify that parents are involved in the program in at least two ways; and

(5) Certify that a nationally recognized rating scale approved by the Office of Child Care, Division of Early Childhood Development, that is appropriate to the setting and age of the children in care has been self-administered.

D. Applicants for Tiered Reimbursement, Level 3—Special Requirements. An applicant shall:

(1) Comply with requirements in §A(2) of this regulation;

(2) Complete a program of accreditation self-study through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;

(3) Be approved at Credential Level 3;

(4) Certify that parents are involved in the program in at least four ways; and

(5) As administered by an Office of Child Care, Division of Early Childhood Development, approved evaluator, achieve a rating of four on a nationally recognized rating scale that is appropriate to the setting and ages of the children in care.

E. Applicants for Tiered Reimbursement, Level 4—Special Requirements. An applicant shall:

(1) Comply with requirements in §A(2) of this regulation;

(2) Achieve program accreditation through the Maryland State Department of Education or a nationally recognized child care accreditation organization approved by the Office of Child Care, Division of Early Childhood Development;

(3) Be approved at Credential Level 4;

(4) Certify that parents are involved in the program in at least six ways;

(5) Except if the program received accreditation during the previous 12-month period, and as administered by an Office of Child Care, Division of Early Childhood Development, approved evaluator, achieve a rating of five on a nationally recognized rating scale that is appropriate to the setting and age of the children in care; and

(6) If applicable, certify that a policy is in place that offers child care staff benefits based on training, experience, and staff evaluation.

F. A family child care provider or the operator of a child care center or letter of compliance facility may reapply annually under §A(1) of this regulation.

G. Denial of Application for Participation.

(1) The Office may deny an application for participation in the tiered reimbursement program. Notice of the denial shall include the:

(a) Reason for the denial;

(b) Regulatory basis for the denial; and

(c) Procedures for appealing the decision.

(2) A family child care provider or the operator of a child care center or letter of compliance facility who is denied participation in the tiered reimbursement program by the Office may request an appeal of the decision to the Office's Training Review Committee.

(3) An applicant may appeal a denial of program participation by submitting to the Office a written appeal, on a form supplied by the Office, within 30 days of the date of application denial.

(4) The Office's Training Review Committee shall:

(a) Reach a decision regarding the appeal within 30 days of receiving the appeal; and

(b) Notify the appellant in writing within 30 days after the appeal decision has been reached.

(5) If a denial of an application for tiered reimbursement program participation is overturned on appeal to the Training Review Committee, the Office shall approve the application retroactively to the initial application date.]

[.10].09 Prohibitions and Penalties.

A. (text unchanged)

B. Violation of §A of this regulation shall result in:

(1) Forfeiture of any claim to a:

(a) (text unchanged)

(b) Bonus award; *or*

[(c) Tiered reimbursement payment eligibility pursuant to COMAR 13A.14.06; *or*]

[(d)](c) Child Care Career and Professional Development Fund award; and

(2) Denial of initial or continued participation, *as applicable*, in the credential program [or tiered reimbursement program, as applicable].

C. (text unchanged)

D. If a participant receives an award through the Fund and, without good cause, fails to comply with the requirements of Regulation [.08C].08D of this chapter, the participant shall be:

(1) Ineligible to receive a future award; and

(2) Required to repay the amount of the award to the Office in proportion to the remaining employment commitment set forth at Regulation [.08C(2)].08D(2) of this chapter.

Lillian M. Lowery, Ed.D.
State Superintendent of Schools