

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Senator Hollinger**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education - Child Care Administration and Programs of the Office for**  
3 **Children, Youth, and Families and Maryland Family Support Centers**  
4 **Network - Transfer to State Department of Education**

5 FOR the purpose of establishing an Early Childhood Development Division within the  
6 State Department of Education; transferring the Child Care Administration  
7 from the Department of Human Resources to the State Department of  
8 Education; repealing a certain obsolete task force; transferring certain programs  
9 of the Office for Children, Youth, and Families to the State Department of  
10 Education; defining certain terms; providing that nothing in this Act shall be  
11 construed to facilitate or effectuate the transfer of certain programs from the  
12 Department of Human Resources to the State Department of Education;  
13 requiring the State Department of Education to study whether a certain  
14 program should be transferred between certain departments at a later date;  
15 requiring the State Department of Education to submit a certain report to the  
16 General Assembly on or before a certain date; requiring the State Department of  
17 Education to develop a certain plan and submit certain reports on or before

1 certain dates; requiring the Department of Disabilities to incorporate a certain  
2 plan into the State Disability Plan; providing that employees of the Department  
3 of Human Resources and the Office for Children, Youth, and Families who are  
4 transferred to the State Department of Education be transferred without any  
5 diminution of their rights, benefits, or employment status; providing that  
6 nothing in this Act be construed to diminish certain powers and duties of the  
7 Social Services Administration, the Department of Juvenile Services, the  
8 Department of Health and Mental Hygiene, or the Department of Human  
9 Resources; requiring the Department of Legislative Services in conjunction with  
10 the publishers of the Annotated Code of Maryland to revise the Code to conform  
11 it to the changes made by this Act; and generally relating to the transfer of the  
12 Child Care Administration, programs of the Office for Children, Youth, and  
13 Families, and Maryland Family Support Centers Network to the State  
14 Department of Education.

15 BY renumbering

16 Article - Education  
17 Section 2-303(j)  
18 to be Section 2-303(k)  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2004 Supplement)

21 BY repealing

22 Article - Family Law  
23 Section 5-559 and 5-585.1  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume)

26 BY transferring

27 Article 49D - Office for Children, Youth, and Families  
28 Section 46 through 50, respectively, and the subheading "Maryland  
29 School-Based Health Policy Advisory Council"  
30 Annotated Code of Maryland  
31 (2003 Replacement Volume and 2004 Supplement)

32 to be

33 Article - Education  
34 Section 7-4A-01 through 7-4A-05, respectively, and the subtitle "Subtitle 4A.  
35 Maryland School-Based Health Policy Advisory Council"  
36 Annotated Code of Maryland  
37 (2004 Replacement Volume and 2004 Supplement)

38 BY transferring

39 Article 41 - Governor - Executive and Administrative Departments  
40 Section 6-801 through 6-807, respectively, and the subtitle "Subtitle 8.  
41 Maryland After-School Opportunity Fund Program"

1 Annotated Code of Maryland  
2 (2003 Replacement Volume and 2004 Supplement)  
3 to be  
4 Article - Education  
5 Section 7-1201 through 7-1207, respectively, and the subtitle "Subtitle 12.  
6 Maryland After-School Opportunity Fund Program"  
7 Annotated Code of Maryland  
8 (2004 Replacement Volume and 2004 Supplement)

9 BY adding to  
10 Article - Education  
11 Section 2-303(j)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2004 Supplement)

14 BY adding to  
15 Article - Family Law  
16 Section 5-550  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article - Family Law  
21 Section 5-550, 5-552, 5-552.1, 5-554, 5-554.1, 5-556, 5-558, 5-559.2, 5-570,  
22 5-572, 5-573, 5-575, 5-580, 5-580.1, 5-581, 5-584, 5-586 through 5-589,  
23 5-590 through 5-594, and 5-594.8  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume)

26 BY repealing and reenacting, with amendments,  
27 Article - Education  
28 Section 7-4A-01, 7-4A-02, and 7-4A-05  
29 Annotated Code of Maryland  
30 (2004 Replacement Volume and 2004 Supplement)  
31 (As enacted by Section 3 of this Act)

32 BY repealing and reenacting, without amendments,  
33 Article - Education  
34 Section 7-4A-03 and 7-4A-04  
35 Annotated Code of Maryland  
36 (2004 Replacement Volume and 2004 Supplement)  
37 (As enacted by Section 3 of this Act)

1 BY repealing and reenacting, with amendments,  
2 Article - Education  
3 Section 7-1201  
4 Annotated Code of Maryland  
5 (2004 Replacement Volume and 2004 Supplement)  
6 (As enacted by Section 4 of this Act)

7 BY repealing and reenacting, without amendments,  
8 Article - Education  
9 Section 7-1202 through 7-1207  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2004 Supplement)  
12 (As enacted by Section 4 of this Act)

13 Preamble

14 WHEREAS, The foundations of lifelong learning and well-being are based on  
15 the experiences of early childhood; and

16 WHEREAS, Maryland has invested in many programs to improve the early  
17 experiences of the State's children; and

18 WHEREAS, These programs have the potential to move the State toward the  
19 achievement of one of its foremost goals - that all children arrive at school with the  
20 skills and competencies needed to succeed in school and later in life; and

21 WHEREAS, One of foremost challenges faced by early childhood programs is  
22 that they are spread among different State agencies, rather than residing in a single  
23 agency that has as its core mission the continuum of learning from birth through high  
24 school; and

25 WHEREAS, The Maryland State Department of Education, which embraces this  
26 core mission and already houses a number of major early childhood programs, could  
27 provide a unified home for all the programs that nurture and educate the State's  
28 children; and

29 WHEREAS, The benefits of such a reorganization would be substantial, in that  
30 the programs would reside in an agency that approaches its work with families and  
31 children through an "asset-based" model that identifies strengths and builds on them,  
32 rather than focusing solely on deficiencies and remediation; and

33 WHEREAS, The State's involvement in early child care would thus be  
34 understood as beneficial to all children, not just disadvantaged children; and

35 WHEREAS, Located in a single department, programs could more easily be  
36 aligned to support development from birth to completion of high school, and the  
37 department being held accountable for children's educational achievement under the

1 No Child Left Behind Act and the Bridge to Excellence in Public Education Act would  
2 be in a far stronger position to accomplish that goal; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That Section(s) 2-303(j) of Article - Education of the Annotated Code of  
5 Maryland be renumbered to be Section(s) 2-303(k).

6 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-559 and  
7 5-585.1 of Article - Family Law of the Annotated Code of Maryland be repealed.

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 46 through 50,  
9 respectively, and the subheading "Maryland School-Based Health Policy Advisory  
10 Council" of Article 49D - Office for Children, Youth, and Families of the Annotated  
11 Code of Maryland be transferred to be Section(s) 7-4A-01 through 7-4A-05,  
12 respectively, and the subtitle "Subtitle 4A. Maryland School-Based Health Policy  
13 Advisory Council" of Article - Education of the Annotated Code of Maryland.

14 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 6-801 through  
15 6-807, respectively, and the subtitle "Subtitle 8. Maryland After-School Opportunity  
16 Fund Program" of Article 41 - Governor - Executive and Administrative Departments  
17 of the Annotated Code of Maryland be transferred to be Section(s) 7-1201 through  
18 7-1207, respectively, and the subtitle "Subtitle 12. Maryland After-School  
19 Opportunity Fund Program" of Article - Education of the Annotated Code of  
20 Maryland.

21 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
22 read as follows:

23 **Article - Education**

24 2-303.

25 (J) THE STATE SUPERINTENDENT SHALL ESTABLISH AN EARLY CHILDHOOD  
26 DEVELOPMENT DIVISION WITHIN THE DEPARTMENT.

27 **Article - Family Law**

28 5-550.

29 (A) IN PART V OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
30 MEANINGS INDICATED.

31 (B) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF EDUCATION.

32 (C) "DIRECT GRANT FUND" MEANS THE FAMILY DAY CARE PROVIDER DIRECT  
33 GRANT FUND.

34 (D) "FAMILY DAY CARE PROVIDER" MEANS AN INDIVIDUAL WHO CARES FOR  
35 NO MORE THAN EIGHT CHILDREN IN A REGISTERED FAMILY DAY CARE HOME.

1 (E) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
2 SCHOOLS.

3 [5-550.] 5-550.1.

4 (a) The Department shall implement a system of registration for family day  
5 care homes.

6 (b) The purpose of registration of family day care homes is to:

7 (1) protect the health, safety, and welfare of children while they are in  
8 family day care;

9 (2) identify family day care homes;

10 (3) provide basic technical assistance and child care information to day  
11 care providers; and

12 (4) minimize the regulatory rigidity often associated with licensing.

13 (c) The system of registration is intended to promote a high degree of  
14 flexibility in the regulation of family day care homes while assuring the health and  
15 safety of children who are cared for in family day care homes.

16 5-552.

17 (a) Except as otherwise provided in this section, a family day care home may  
18 not operate unless it is registered.

19 (b) A family day care home is not required to be registered if the day care  
20 provider:

21 (1) is related to each child by blood or marriage;

22 (2) is a friend of each child's parents or legal guardian and the care is  
23 provided on an occasional basis; or

24 (3) has received the care of the child from a child placement agency  
25 licensed by the Administration or by a local department.

26 (c) A person may not advertise a family day care home or family day care  
27 service unless the family day care home is registered under the provisions of this Part  
28 V of this subtitle.

29 (d) An employee of the [Administration] DEPARTMENT charged with the  
30 investigation and enforcement of child care regulations [or the chief licensing agent  
31 in a regional office of the Administration] may serve a civil citation to a person found  
32 in violation of this section.

1 5-552.1.

2 (a) (1) There is an amnesty period, to be determined by the [Child Care  
3 Administration of the] Department, for unregistered family day care providers.

4 (2) The purpose of the amnesty period is to encourage compliance with  
5 the registration requirements of this Part V.

6 (b) The amnesty is intended to encourage compliance with registration  
7 requirements by:

8 (1) having unregistered family day care providers voluntarily enter the  
9 registration process; and

10 (2) allowing unregistered family day care providers participating in the  
11 amnesty program to continue providing child care during the registration process.

12 (c) (1) (i) Notwithstanding any other provision of this Part V, from  
13 October 1, 1994 to September 30, 1997, there shall be an amnesty period in each of  
14 those years for unregistered family day care providers as provided in subparagraph  
15 (ii) of this paragraph to allow unregistered family day care providers to continue in  
16 operation while becoming registered in accordance with the provisions of this section.

17 (ii) Except as provided in subparagraph (iii) of this paragraph, the  
18 amnesty period shall be 12 months for each year from October 1, 1994 to September  
19 30, 1997.

20 (iii) Subject to subparagraph (iv) of this paragraph, the [Child Care  
21 Administration of the] Department may reduce the number of months in the amnesty  
22 period to not less than 2 months for each of the 2 years from October 1, 1995 to  
23 September 30, 1997, if the [Child Care Administration] DEPARTMENT finds that a  
24 12-month period is not feasible.

25 (iv) If the [Child Care Administration] DEPARTMENT reduces the  
26 number of the months in the amnesty period under subparagraph (iii) of this  
27 paragraph, the [Child Care Administration] DEPARTMENT shall notify the General  
28 Assembly in writing, in accordance with § 2-1246 of the State Government Article.

29 (2) The [Secretary of Human Resources] STATE SUPERINTENDENT shall  
30 adopt regulations for the implementation of the amnesty program.

31 (d) (1) The amnesty shall apply only to the registration required by this Part  
32 V, but only if the requirements of subsection (e) of this section are met.

33 (2) Any unregistered family day care provider participating in the  
34 amnesty:

35 (i) may not be enjoined by the Department as long as information  
36 is not made known to the Department that the health, safety, or welfare of any child  
37 in the care of the unregistered family day care provider is endangered, including any

1 information or evidence provided by a State or local code enforcement authority or  
2 protective services or law enforcement agency;

3 (ii) is not subject to the penalty provided for in § 5-557 of this Part  
4 V; and

5 (iii) is subject to the group size requirements provided by § 5-553 of  
6 this Part V.

7 (e) For the purposes of this section, an unregistered family day care provider  
8 is participating in the amnesty program if:

9 (1) the unregistered family day care provider:

10 (i) between October 1, 1994 and September 30, 1997, files an  
11 application with the Department in accordance with the regulations adopted by the  
12 Department; and

13 (ii) makes a good faith effort, as determined by the Department, to  
14 complete the registration process within 1 year of the date of entering the amnesty;  
15 and

16 (2) information is not made known to the STATE Department OF  
17 EDUCATION OR THE DEPARTMENT OF HUMAN RESOURCES that the health, safety, or  
18 welfare of any child in the care of the unregistered family day care provider is  
19 endangered, including any information or evidence provided by a State or local code  
20 enforcement authority, or protective services or law enforcement agency.

21 (f) Notwithstanding any other provision of law, except for any willful or  
22 grossly negligent act, a State or local code enforcement authority, protective services  
23 or law enforcement agency, the Department of Human Resources, STATE  
24 DEPARTMENT OF EDUCATION, and the personnel of a State or local code enforcement  
25 authority, protective services or law enforcement agency, [or] the Maryland  
26 Department of Human Resources, OR THE STATE DEPARTMENT OF EDUCATION shall  
27 be immune from civil liability for any act or injury to any child attributable to or  
28 resulting from the amnesty period provided for in this section.

29 5-554.

30 (a) A registration under this Part V of this subtitle may be revoked, a day care  
31 provider may appeal from the revocation, and the operation of an unregistered family  
32 day care home may be enjoined.

33 (b) (1) Revocation, appeal, or injunction under this Part V of this subtitle  
34 shall be in accordance with §§ 5-513, 5-515, 5-516, 5-517, 5-518, and 5-519 of this  
35 subtitle.

36 (2) Subject to paragraph (1) of this subsection, the [Secretary of the  
37 Department or the Secretary's designee] STATE SUPERINTENDENT OR THE STATE



1 SUPERINTENDENT'S DESIGNEE shall exercise the authority granted to the  
2 [Administration or the Director of the Administration] DEPARTMENT.

3 5-554.1.

4 (a) The [Secretary] STATE SUPERINTENDENT or other authorized official or  
5 employee of the Department [of Human Resources] may apply to a judge of the  
6 District Court or a circuit court for an administrative search warrant to enter any  
7 unregistered family day care home to conduct any inspection required or authorized  
8 by law to determine compliance with the provisions of this subtitle relating to family  
9 day care homes.

10 (b) (1) The application for an administrative search warrant shall be in  
11 writing and signed and sworn by the [Secretary] STATE SUPERINTENDENT and shall  
12 particularly describe the place, structure, premises, or records to be inspected and the  
13 nature, scope, and purpose of the inspection to be conducted.

14 (2) Before the filing of an administrative search warrant application  
15 with a court, the application shall be approved by the Attorney General of Maryland  
16 as to its legality in both form and substance under the standards and criteria of this  
17 section and a statement to this effect shall be included as part of the application.

18 (c) A judge of a District Court or circuit court in the jurisdiction in which the  
19 unregistered family day care home is located may issue an administrative search  
20 warrant on finding that:

21 (1) the Department has reasonably sought and been denied access to an  
22 unregistered family day care home for the purpose of making an inspection;

23 (2) the requirements of subsection (b) of this section are met;

24 (3) the official or employee of the Department is authorized or required  
25 by law to make an inspection of the unregistered family day care home for which the  
26 warrant is sought; and

27 (4) probable cause for the issuance of the warrant has been  
28 demonstrated by the Department by specific evidence:

29 (i) of an existing violation of § 5-552 of this subtitle; and

30 (ii) that the health, safety, and welfare of the children in the  
31 unregistered family day care home are substantially threatened due to conditions in  
32 the family day care home.

33 (d) The administrative search warrant issued under this section shall specify  
34 the place, structure, premises, or records to be inspected and shall be enforceable  
35 during operating hours for a period not exceeding 15 days from the date of issuance.

36 (e) (1) An administrative search warrant issued under this section  
37 authorizes the [Secretary] STATE SUPERINTENDENT and other officials or employees

1 of the STATE Department OF EDUCATION OR THE DEPARTMENT OF HUMAN  
2 RESOURCES to enter the specified property to perform the inspection and other  
3 functions authorized by law to determine compliance with the provisions of this  
4 subtitle relating to family day care homes.

5 (2) The inspection may not exceed the limits specified in the warrant.

6 5-556.

7 (a) In addition to any other provision of law relating to child abuse and  
8 neglect, a local department that receives a report of suspected child abuse under §  
9 5-704 or § 5-705 of this title that concerns a family day care home shall notify the  
10 [Secretary's] STATE SUPERINTENDENT'S designee within 48 hours.

11 (b) Upon receipt of the notification required under subsection (a) of this  
12 section, the [Secretary's] STATE SUPERINTENDENT'S designee shall convene, either  
13 in person or by telephone, a multidisciplinary team to coordinate procedures in  
14 accordance with the agreement developed under § 5-706(e) of this title to be followed  
15 in investigating and otherwise responding to the report.

16 (c) The multidisciplinary team shall be chaired by the [Secretary's] STATE  
17 SUPERINTENDENT'S designee and shall include:

18 (1) representatives of the local department and law enforcement agency  
19 that are investigating the report under § 5-706 of this title;

20 (2) representation from the office of the local State's Attorney; and

21 (3) appropriate medical, including mental health, expertise.

22 (d) Notwithstanding any other provision of law, the members of the  
23 multidisciplinary team shall share information necessary to carry out the team's  
24 responsibility under this section.

25 (e) Any information shared by the multidisciplinary team shall be confidential  
26 and may be disclosed only in accordance with the provisions of Article 88A, § 6 of the  
27 Code.

28 (f) Upon request, the Department of State Police shall provide technical  
29 assistance to a local law enforcement agency which is investigating a report of  
30 suspected child abuse concerning a family day care home.

31 5-558.

32 This Part V of this subtitle may not be construed to impair or limit the authority  
33 granted to the Department of Human Resources, the STATE Department of  
34 Education, or the Department of Health and Mental Hygiene under any other  
35 provision of the Code unless that provision necessarily is inconsistent with this Part  
36 V of this subtitle.

1 5-559.2.

2 (a) The [Secretary of the Department] STATE SUPERINTENDENT may  
3 delegate the authority to approve direct grants to any board which exists or may be  
4 created within the Department.

5 (b) A grant made under this subtitle shall be awarded as a reimbursement for  
6 the expenses incurred by a family day care provider to comply with State and local  
7 regulations.

8 5-570.

9 (a) In this Part VII of this subtitle the following words have the meanings  
10 indicated.

11 (b) "Child" means an individual under the age of 16 years.

12 (c) (1) "Child care center" means an agency, institution, or establishment  
13 that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least  
14 twice a week, offers or provides child care to children who do not have the same  
15 parentage except as otherwise provided for in law or regulation.

16 (2) "Child care center" shall include a nonpublic nursery school in which  
17 an instructional program is offered or provided for children who are under the age of  
18 5 years.

19 (3) "Child care center" does not include:

20 (i) a nonpublic kindergarten in which an instructional program is  
21 offered or provided for children who are at least 5 years old;

22 (ii) a nonpublic elementary school in which an instructional  
23 program is offered or provided for children who are in grades 1 through 8;

24 (iii) a child care home, a child care institution, or other child care  
25 facility that offers or provides a residential placement for a child and is established,  
26 licensed, or registered under this subtitle, Article 83C of the Code, or Title 10 of the  
27 Health - General Article; or

28 (iv) a family day care home that is required to be registered or is  
29 registered under this subtitle.

30 (d) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF EDUCATION.

31 (E) "Letter of compliance" means a letter issued by the [Department of  
32 Human Resources] STATE DEPARTMENT OF EDUCATION to a religious organization  
33 that meets the requirements under § 5-573 of this subtitle.

34 [(e)] (F) "License" means a license issued by the [Department of Human  
35 Resources] STATE DEPARTMENT OF EDUCATION to operate a child care center.

1 [(f)] (G) "Person" includes a State, county, or municipal corporation.

2 [(g) "Secretary" means the Secretary of Human Resources or the Secretary's  
3 designee]

4 (H) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
5 SCHOOLS OR THE STATE SUPERINTENDENT'S DESIGNEE.

6 5-572.

7 (a) This Part VII of this subtitle does not supersede:

8 (1) any right or power of the Department of Health and Mental Hygiene  
9 or any local health officer;

10 (2) any right or power of [the State Department of Education or] a  
11 county department of education; [or]

12 (3) any building code or zoning provision;

13 (4) ANY RIGHT OR POWER OF THE ADMINISTRATION WITHIN THE  
14 DEPARTMENT OF HUMAN RESOURCES OR ANY LOCAL DEPARTMENT; OR

15 (5) ANY RIGHT OR POWER OF THE DEPARTMENT OF HUMAN RESOURCES  
16 TO REGULATE RESIDENTIAL CHILD CARE FACILITIES.

17 (b) Notwithstanding any other provision of law, if a child care center for school  
18 age children is operated before and after school hours in a building which is in use as  
19 a public or private school, the school age child care center:

20 (1) shall meet local fire, health, and zoning codes required of school  
21 buildings; and

22 (2) may not be required to meet any additional regulations relative to the  
23 physical plant beyond those imposed by the county or the local board of education  
24 with respect to that building.

25 5-573.

26 (a) The [Secretary] STATE SUPERINTENDENT shall adopt rules and  
27 regulations for licensing and operating child care centers.

28 (b) These rules and regulations shall:

29 (1) ensure safe and sanitary conditions in child care centers;

30 (2) ensure proper care, protection, and supervision of children in child  
31 care centers;

32 (3) ensure the health of children in child care centers by:

- 1 (i) monitoring children for signs and symptoms of child abuse;
- 2 (ii) instructing licensees and staff concerning child abuse detection  
3 and reporting;
- 4 (iii) monitoring health practices to help prevent the spread of  
5 disease; and
- 6 (iv) monitoring the care of infants and children with special needs;
- 7 (4) promote the sound growth and development of children in child care  
8 centers;
- 9 (5) encourage the care of children in a homelike environment by  
10 reflecting the impracticability of conforming a residence to standards that are  
11 appropriate for institutions and otherwise providing for centers that are in residences  
12 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer  
13 children required to be licensed under § 5-574 of this subtitle;
- 14 (6) carry out otherwise the purposes and requirements of this Part VII of  
15 this subtitle, including imposition of intermediate sanctions to ensure compliance;
- 16 (7) prohibit a child from remaining at a child care center for more than  
17 14 hours in 1 day unless the Department issues an exception for that child based on  
18 guidelines set by the [Secretary] STATE SUPERINTENDENT; and
- 19 (8) (i) require that a child care center have in attendance at all times  
20 at least 1 individual who is responsible for supervision of children, including children  
21 on field trips, and who holds a current certificate indicating successful completion of  
22 approved:
- 23 1. basic first aid training through the American Red Cross or  
24 through a program with equivalent standards; and
- 25 2. cardiopulmonary resuscitation (CPR) training through the  
26 American Heart Association or through a program with equivalent standards  
27 appropriate for the ages of children for whom care is provided in the child care center;  
28 and
- 29 (ii) require that a child care center serving more than 20 children  
30 have in attendance certificate holders described in item (i) of this item in a ratio of at  
31 least 1 certificate holder for every 20 children.

32 5-575.

33 (a) An applicant for a license shall submit an application to the Department  
34 on the form that the [Secretary] STATE SUPERINTENDENT requires.

35 (b) An application for a license shall contain:

36 (1) the name of the applicant;

- 1 (2) the proposed location of the child care center;
- 2 (3) the name of the individual to be in charge of the child care center;
- 3 and
- 4 (4) any other information that the Department requires.

5 5-580.

6 (a) Subject to the hearing requirements of this section, the Department may  
7 deny a license or letter of compliance to any applicant or deny approval for a change  
8 under § 5-577 of this subtitle if the applicant or proposed change does not meet the  
9 requirements of this subtitle.

10 (b) Subject to the hearing requirements of this section and § 5-581 of this  
11 subtitle, the [Secretary] STATE SUPERINTENDENT may suspend or revoke a license  
12 or letter of compliance if the licensee:

13 (1) violates a provision of this Part VII of this subtitle or any rule or  
14 regulation adopted under it; or

15 (2) does not meet the current requirements for a new license or letter of  
16 compliance.

17 (c) (1) Except as otherwise provided in subsection (d) of this section, before  
18 any action is taken under this section, the [Secretary] STATE SUPERINTENDENT  
19 shall give the individual against whom the action is contemplated an opportunity for  
20 a public hearing before the [Secretary] STATE SUPERINTENDENT.

21 (2) The hearing notice to be given to the individual shall be sent at least  
22 10 days before the hearing.

23 (3) The individual may be represented at the hearing by counsel.

24 (d) (1) (i) The [Secretary] STATE SUPERINTENDENT may suspend the  
25 license or letter of compliance to operate a child care center on an emergency basis  
26 when the [Secretary] STATE SUPERINTENDENT determines that this action is  
27 required to protect the health, safety, or welfare of a child in the child care center.

28 (ii) When the [Secretary] STATE SUPERINTENDENT suspends a  
29 license or letter of compliance on an emergency basis, the [Secretary] STATE  
30 SUPERINTENDENT shall deliver written notice of the suspension to the licensee  
31 stating the regulatory basis for the suspension.

32 (2) (i) Upon delivery of the emergency suspension notice, the licensee  
33 or letter holder shall cease operation of the child care center within 72 hours.

34 (ii) The emergency suspension shall be stayed if the licensee or  
35 letter holder requests in writing, and within 72 hours of delivery of the notice, a  
36 hearing before the [Secretary] STATE SUPERINTENDENT.

1 (3) (i) If a hearing is requested by the licensee or letter holder, the  
2 [Secretary] STATE SUPERINTENDENT shall hold a hearing within 7 calendar days of  
3 the request for a hearing. The hearing shall be held in accordance with the  
4 Administrative Procedure Act.

5 (ii) Within 7 calendar days of the hearing a decision concerning the  
6 emergency suspension shall be made by the [Secretary] STATE SUPERINTENDENT.

7 (4) If the emergency suspension order is upheld by the [Secretary]  
8 STATE SUPERINTENDENT, the licensee or letter holder shall cease operations until it  
9 is determined that the health, safety, or welfare of a child in the child care center is no  
10 longer threatened.

11 (5) Any person aggrieved by a decision of the [Secretary] STATE  
12 SUPERINTENDENT to uphold an emergency suspension may appeal that decision  
13 directly to the circuit court in the county in which the child care center is located.

14 (e) The [Secretary or the Secretary's designee] STATE SUPERINTENDENT may  
15 petition the circuit court in the county in which the child care center is located to  
16 enjoin the activities and operations of a person who operates a child care center  
17 without a license or letter of compliance as required by this Part VII, including when  
18 a license or letter of compliance has been denied, revoked, or suspended in accordance  
19 with this Part VII.

20 5-580.1.

21 (a) The [Secretary] STATE SUPERINTENDENT or other authorized official or  
22 employee of the Department [of Human Resources] may apply to a judge of the  
23 District Court or a circuit court for an administrative search warrant to enter any  
24 unlicensed child care center to conduct any inspection required or authorized by law  
25 to determine compliance with the provisions of this subtitle relating to child care  
26 centers.

27 (b) (1) The application for an administrative search warrant shall be in  
28 writing and signed and sworn by the [Secretary] STATE SUPERINTENDENT and shall  
29 particularly describe the place, structure, premises, or records to be inspected and the  
30 nature, scope, and purpose of the inspection to be conducted.

31 (2) Before the filing of an administrative search warrant application  
32 with a court, the application shall be approved by the Attorney General of Maryland  
33 as to its legality in both form and substance under the standards and criteria of this  
34 section and a statement to this effect shall be included as part of the application.

35 (c) A judge of a District Court or circuit court in the jurisdiction in which the  
36 unlicensed child care center is located may issue an administrative search warrant on  
37 finding that:

38 (1) the Department has reasonably sought and been denied access to an  
39 unlicensed child care center for the purpose of making an inspection;

1 (2) the requirements of subsection (b) of this section are met;

2 (3) the official or employee of the Department is authorized or required  
3 by law to make an inspection of the unlicensed child care center for which the warrant  
4 is sought; and

5 (4) probable cause for the issuance of the warrant has been  
6 demonstrated by the Department by specific evidence:

7 (i) of an existing violation of § 5-574(a) or § 5-582 of this subtitle;  
8 and

9 (ii) that the health, safety, and welfare of the children in the child  
10 care center are substantially threatened due to conditions in the child care center.

11 (d) The administrative search warrant issued under this section shall specify  
12 the place, structure, premises, or records to be inspected and shall be enforceable  
13 during operating hours for a period not exceeding 15 days from the date of issuance.

14 (e) (1) An administrative search warrant issued under this section  
15 authorizes the [Secretary] STATE SUPERINTENDENT and other officials or employees  
16 of the Department to enter the specified property to perform the inspection and other  
17 functions authorized by law to determine compliance with the provisions of this  
18 subtitle relating to child care centers.

19 (2) The inspection may not exceed the limits specified in the warrant.

20 5-581.

21 Any person aggrieved by a final decision of the [Secretary] STATE  
22 SUPERINTENDENT in a contested case, as defined in the Administrative Procedure  
23 Act, may take any further appeal allowed by the Administrative Procedure Act.

24 5-584.

25 (a) In addition to any other provision of law relating to child abuse and  
26 neglect, a local department of social services that receives a report of suspected child  
27 abuse under § 5-704 or § 5-705 of this title that concerns a child care center, shall  
28 notify the [Secretary's] STATE SUPERINTENDENT'S designee within 48 hours.

29 (b) On receipt of the notification required under subsection (a) of this section,  
30 the [Secretary's] STATE SUPERINTENDENT'S designee shall convene, either in person  
31 or by telephone, a multidisciplinary team to coordinate procedures in accordance with  
32 the agreement developed under § 5-706(e) of this title to be followed in investigating  
33 and otherwise responding to the report.

34 (c) The multidisciplinary team shall be chaired by the [Secretary's] STATE  
35 SUPERINTENDENT'S designee and shall include:



1 (1) representatives of the local department of social services and law  
2 enforcement agency that are investigating the report under § 5-706 of this title;

3 (2) representation from the office of the local State's Attorney; and

4 (3) appropriate medical, including mental health, expertise.

5 (d) Notwithstanding any other provision of law, the members of the  
6 multidisciplinary team shall share information necessary to carry out the team's  
7 responsibility under this section.

8 (e) Any information shared by the multidisciplinary team shall be confidential  
9 and may be disclosed only in accordance with the provisions of Article 88A, § 6 of the  
10 Code.

11 (f) On request, the Department of State Police shall provide technical  
12 assistance to a local law enforcement agency which is investigating a report of  
13 suspected child abuse concerning a child care center.

14 5-586.

15 (a) In this Part VIII of this subtitle the following words have the meanings  
16 indicated.

17 (b) "Department" means the [Department of Human Resources] STATE  
18 DEPARTMENT OF EDUCATION.

19 (c) "Employee" means a State employee.

20 (d) "Employee occupant" means a State employee who is assigned or will be  
21 assigned to a State-occupied building.

22 (e) "Occupying agency" means a State agency or department which is or will  
23 be located in a State-occupied building.

24 (f) "State complex" means more than 1 State-occupied building or facility  
25 situated either adjacent to or within reasonable proximity to another State-occupied  
26 building or facility.

27 (g) "State-occupied building" means:

28 (1) an office building acquired through any means by the State for use by  
29 a State agency or department; and

30 (2) an office building constructed by or for the State for occupancy by a  
31 State agency or department.

32 (H) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
33 SCHOOLS.

1 5-587.

2 (a) The Department may establish child care centers for the children of State  
3 employees in State-occupied buildings in the manner provided in this section.

4 (b) Before the State acquires or constructs an office building that  
5 accommodates 700 or more employees, the [Department of Human Resources] STATE  
6 DEPARTMENT OF EDUCATION shall:

7 (1) survey the employees who will be assigned to the building regarding  
8 the employees' child care needs;

9 (2) determine whether child care services for more than 29 children are  
10 needed; and

11 (3) if sufficient need is demonstrated, determine how much space is  
12 required and request that the Department of General Services designate the required  
13 amount of space within the building or acquire the designated amount of space within  
14 a nearby building for a child care center.

15 (c) The occupying agency shall notify the employee occupants of the  
16 availability of space for a child care center at least 180 days before the projected date  
17 of occupancy.

18 5-588.

19 (a) The Department of Health and Mental Hygiene and the Department of  
20 General Services shall cooperate with and assist the Department in carrying out the  
21 purposes of this Part VIII of this subtitle.

22 (b) The Department shall:

23 (1) provide the guidance and means for establishing child care centers  
24 for the children of State employees in State-occupied buildings or nearby buildings in  
25 accordance with this Part VIII of this subtitle;

26 (2) provide for licensing of child care centers for children of State  
27 employees;

28 (3) ensure that space designated within a State-occupied building or  
29 nearby buildings for a child care center complies with the prevailing local and State  
30 safety building codes for child care centers;

31 (4) apply the regulations adopted under Part VII for child care centers;  
32 and

33 (5) contract for child care services in the space provided. Contract  
34 providers must provide proof of financial responsibility.

35 (c) (1) The Department of General Services shall:

1 (i) construct or acquire the required space to be used by the child  
2 care center, which space shall be submetered for utilities and the costs of which shall  
3 be paid by the child care center; and

4 (ii) inspect the facility monthly and inform child care center  
5 personnel of maintenance deficiencies to be corrected by the child care center.

6 (2) If any deficiencies under paragraph (1)(ii) of this subsection are not  
7 corrected within a reasonable time, the Department of General Services shall notify  
8 the [Department of Human Resources] STATE DEPARTMENT OF EDUCATION which  
9 will exact compliance in accordance with the terms of the child care center contract.

10 (3) The child care center shall pay for any costs of operation of the child  
11 care center.

12 (d) Space originally set aside for a child care center may be used for other  
13 purposes if:

14 (1) the building has been fully occupied for 180 days; and

15 (2) an application to operate a child care center has not been filed under  
16 Part VII of this subtitle.

17 (e) Children of State employees shall have priority over other children in  
18 admission to a child care center in a State-occupied building or nearby buildings.

19 (f) (1) After a child care center for children of State employees has been  
20 established, the Department [of Human Resources] shall assess the child care needs  
21 of the State employees using the center at least every 5 years.

22 (2) If the assessment demonstrates that the service is no longer needed  
23 or feasible, the [Secretary of Human Resources] STATE SUPERINTENDENT may close  
24 the center.

25 (3) The [Secretary of Human Resources] STATE SUPERINTENDENT shall  
26 give the child care center 90 days' written notice of closure.

27 5-589.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) "Pilot program" means the child care centers established in  
30 State-occupied buildings or State complexes under this section.

31 (b) There is a pilot program for child care in State-occupied buildings and  
32 State complexes.

33 (c) The Department shall administer the pilot program established under this  
34 section.

35 (d) The pilot program shall be:

1 (1) operated in at least 1 State-occupied building or State complex where  
2 700 or more State employees are located;

3 (2) established to accommodate at least 29 children at each location; and

4 (3) established for at least 3 years.

5 (e) (1) The Department shall contract with child care providers to operate  
6 the child care centers established under this section.

7 (2) The contract for operating a child care center shall require the child  
8 care provider:

9 (i) to be responsible for entering into agreements, and making  
10 arrangements with the employees, for the provision of child care;

11 (ii) to provide proof of financial responsibility;

12 (iii) to be licensed under Part VII and this Part VIII of this subtitle;

13 (iv) to comply with any laws or regulations governing child care  
14 centers;

15 (v) to obtain and keep in effect liability insurance in an amount  
16 determined to be sufficient by the [Secretary] STATE SUPERINTENDENT; and

17 (vi) to comply with any other requirement the [Secretary] STATE  
18 SUPERINTENDENT considers reasonable and necessary.

19 (3) The child care provider may not be held responsible for providing the  
20 necessary space for the operation of the child care center.

21 5-590.

22 (a) In this Part IX of this subtitle the following words have the meanings  
23 indicated.

24 (b) ["Child Care Administration" means the Child Care Administration of the  
25 Department.

26 (c) "Council" means the [Child Care Administration] EARLY CHILDHOOD  
27 DEVELOPMENT Advisory Council.

28 [(d) "Secretary" means the Secretary of Human Resources.]

29 (C) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
30 SCHOOLS.

1 5-591.

2 There is [a Child Care Administration] AN EARLY CHILDHOOD DEVELOPMENT  
3 Advisory Council.

4 5-592.

5 (a) (1) The Council consists of at least 25 members, but no more than 30  
6 members.

7 (2) In appointing members to the Council, the [Secretary] STATE  
8 SUPERINTENDENT shall, to the extent possible, appoint members representing  
9 geographically diverse jurisdictions across the State.

10 (b) The members shall include:

11 (1) 1 member of the Senate of Maryland appointed by the President of  
12 the Senate;

13 (2) 1 member of the Maryland House of Delegates appointed by the  
14 Speaker of the House;

15 (3) at least 1 representative, appointed by the Secretary, from:

16 (i) the Department of Health and Mental Hygiene;

17 (ii) [the Child Care Administration of the Department of Human  
18 Resources;

19 (iii)] the Governor's Office for Children, Youth, and Families;

20 [(iv)] (III) the Head Start Program;

21 [(v)] (IV) the State Department of Education;

22 [(vi)] (V) the Office of the State Fire Marshal;

23 [(vii)] (VI) a local government;

24 [(viii)] (VII) a child care advocacy organization;

25 [(ix)] (VIII) an independent school, which may include a religious,  
26 nonsectarian, or nursery school;

27 [(x)] (IX) a child care resource and referral agency;

28 [(xi)] (X) the Department of the Environment;

29 [(xii)] (XI) a community college with an early childhood education  
30 program;

- 1 [(xiii)] (XII) the Maryland Association of Social Services Directors;  
2 and
- 3 [(xiv)] (XIII) a professional organization concerned with the quality  
4 of early childhood programs;
- 5 (4) at least 1 representative, appointed by the [Secretary] STATE  
6 SUPERINTENDENT, who is:
- 7 (i) a local fire official who has responsibility for the enforcement or  
8 administration of fire codes;
- 9 (ii) a user of child care services; and
- 10 (iii) a business person;
- 11 (5) a pediatrician with an interest and expertise in day care issues,  
12 appointed by the [Secretary] STATE SUPERINTENDENT;
- 13 (6) at least two family day care providers, appointed by the [Secretary]  
14 STATE SUPERINTENDENT; and
- 15 (7) at least two child care providers from child care centers, appointed by  
16 the [Secretary] STATE SUPERINTENDENT.
- 17 (c) (1) The term of a member is 3 years.
- 18 (2) At the end of a term, a member continues to serve until a successor is  
19 appointed and qualifies.
- 20 (3) A member who is appointed after a term has begun serves only for  
21 the rest of the term and until a successor is appointed and qualifies.
- 22 (4) (i) If a vacancy occurs, the [Secretary] STATE SUPERINTENDENT  
23 promptly shall appoint a successor who will serve until the term expires.
- 24 (ii) The successor may be reappointed for a full term.
- 25 (5) Any member who leaves the position with the organization or State  
26 agency that the member represents on the Council shall automatically lose their  
27 appointment to the Council and the [Secretary] STATE SUPERINTENDENT shall  
28 promptly appoint a successor.
- 29 (d) From among the members of the Council, the [Secretary] STATE  
30 SUPERINTENDENT shall appoint a chairman.
- 31 (e) (1) A majority of the members then serving on the Council is a quorum.
- 32 (2) The Council shall meet at least once a year at the time and place it  
33 decides.

1 (3) The Department shall provide staff for the Council.

2 (f) (1) A member of the Council may not receive compensation for duties  
3 performed as a member of the Council.

4 (2) A member of the Council who is a user of child care services, a family  
5 day care provider, or a child care provider from a child care center is entitled to  
6 reimbursement for expenses under the Standard State Travel Regulations, as  
7 provided in the State budget.

8 5-593.

9 The Council shall:

10 (1) advise and counsel the [Child Care Administration] EARLY  
11 CHILDHOOD DEVELOPMENT DIVISION OF THE DEPARTMENT;

12 (2) review regulations proposed by State agencies regulating child care  
13 for the purpose of insuring coordination and consistency;

14 (3) review issues and problems relating to care of children and suggest  
15 priorities for consideration by the [Child Care Administration] EARLY CHILDHOOD  
16 DEVELOPMENT DIVISION; and

17 (4) identify interdepartmental issues of importance to child care  
18 providers and users that should be addressed by the [Child Care Administration of  
19 the Department] EARLY CHILDHOOD DEVELOPMENT DIVISION and other State  
20 agencies.

21 5-594.

22 (a) In this part the following words have the meanings indicated.

23 (b) "Child care center" has the meaning stated in § 5-570 of this subtitle.

24 (c) "Child care provider" means a family day care provider or a child care  
25 center.

26 (d) "Direct incentive grant" means a grant awarded under the Child Care  
27 Quality Incentive Grant Program.

28 (e) "Family day care provider" has the meaning stated in § [5-559(d)]  
29 5-550(D) of this subtitle.

30 5-594.8.

31 The [Secretary of Human Resources] STATE SUPERINTENDENT shall adopt  
32 regulations necessary to carry out the purposes of this part.

**Article - Education**

1

2

Subtitle 4A. Maryland School-Based Health Policy Advisory Council.

3 7-4A-01.

4 In this [subheading] SUBTITLE, "Council" means the Maryland School-Based  
5 Health Center Policy Advisory Council.

6 7-4A-02.

7 (a) There is a Maryland School-Based Health Center Policy Advisory Council  
8 IN THE DEPARTMENT.

9 (b) [The Council shall be independent and located in the Office for Children,  
10 Youth, and Families for budgetary and administrative purposes only.

11 (c) Staff support for the Council shall be provided by the [Governor's Office  
12 for Children, Youth, and Families] DEPARTMENT.

13 7-4A-03.

14 (a) The Council consists of the following 25 members:

15 (1) The Special Secretary of the Office for Children, Youth, and Families  
16 or the Special Secretary's designee;

17 (2) The State Superintendent of Schools or the State Superintendent's  
18 designee;

19 (3) The Secretary of Health and Mental Hygiene or the Secretary's  
20 designee;

21 (4) The Secretary of Juvenile Services or the Secretary's designee;

22 (5) The Secretary of Human Resources or the Secretary's designee;

23 (6) The Secretary of Budget and Management or the Secretary's  
24 designee;

25 (7) One member of the Senate of Maryland appointed by the President of  
26 the Senate;

27 (8) One member of the House of Delegates of Maryland appointed by the  
28 Speaker of the House;

29 (9) The following members appointed by the Governor:

30 (i) One individual with experience or expertise with the Maryland  
31 Medical Assistance Program;



- 1 (ii) One local health officer;
- 2 (iii) One local superintendent of schools;
- 3 (iv) Three individuals from local jurisdictions, including at least one  
4 representative of a local management board;
- 5 (v) Three individuals who represent community leaders from  
6 organizations and faith communities that have experience or expertise with the  
7 services offered in school-based health centers; and
- 8 (vi) Three consumers of school-based health care including  
9 students and their parents;
- 10 (vii) A pediatrician;
- 11 (viii) A nurse practitioner who serves children in a school-based  
12 health center;
- 13 (ix) A member of the Maryland Assembly of School-Based Health  
14 Centers;
- 15 (x) A dental health professional; and
- 16 (xi) A representative of the Mental Hygiene Administration or a  
17 core service agency.

18 (b) In making the appointments required under this section, the Governor  
19 shall ensure that the Council is representative of:

- 20 (1) The geographic regions of the State; and
- 21 (2) Minority populations of the State.

22 (c) (1) The term of a member appointed under subsection (a) of this section  
23 is 3 years.

24 (2) The terms of members are staggered as required by the terms  
25 provided for members of the Council on October 1, 2002.

26 (3) At the end of a term, a member shall continue to serve until a  
27 successor is appointed and qualifies.

28 (4) A member who is appointed after a term has begun shall serve for the  
29 rest of the term or until a successor is appointed and qualifies.

30 (d) The Governor shall appoint a successor in the event of a vacancy on the  
31 Council.

32 (e) From among the members of the Council, the Governor shall designate a  
33 chairman for a 2-year term.

1 (f) A member of the Council may not receive compensation but is entitled to  
2 reimbursement for expenses under the Standard State Travel Regulations, as  
3 provided in the State budget.

4 7-4A-04.

5 (a) A majority of the members then serving on the Council is a quorum.

6 (b) The Council shall determine the times and places of its meetings and any  
7 other necessary operating procedures which may include the establishment of  
8 subcommittees, consultant panels, or work groups utilizing the expertise of  
9 noncouncil and nonpanel members.

10 7-4A-05.

11 (a) The purpose of the Council is to coordinate the interagency effort to  
12 develop, sustain, and promote quality school-based health centers in Maryland.

13 (b) In consultation with appropriate State agencies and other interested  
14 organizations, including representatives from academic institutions, health care  
15 providers, and payors, the Council shall:

16 (1) Monitor the activities and range of services of the school-based  
17 health centers;

18 (2) Recommend legislative initiatives;

19 (3) Develop and update a compendium of technical assistance experts  
20 that will be used as a reference when local requests for assistance come to the State;

21 (4) Monitor the development of notifications of available funds;

22 (5) Participate in the review of grants to local jurisdictions for the  
23 development of school-based health care programs;

24 (6) Develop strategies for funding and reimbursement of care delivered  
25 in school-based health centers;

26 (7) Develop a consistent outcome measurement tool to be used by all  
27 school-based health centers in the State and assess the progress of all school-based  
28 health centers based on the information collected;

29 (8) Establish standards of practice within school-based health centers;

30 (9) Encourage the development of models of excellence in school-based  
31 health centers;

32 (10) Prepare an annual report to the [Subcabinet] STATE DEPARTMENT  
33 OF EDUCATION AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; and

1 (11) Perform other activities identified that impact on the development,  
2 sustainability, or quality of school-based health care in Maryland.

3 Subtitle 12. Maryland After-School Opportunity Fund Program.

4 7-1201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Advisory Board" means the Advisory Board on After-School Opportunity  
7 programs.

8 (c) "After-school opportunity programs" means enrichment programs for  
9 school age children that take place:

10 (1) Before school starts each day and after school ends each day;

11 (2) On weekends;

12 (3) On holidays;

13 (4) During vacations; and

14 (5) During summer break.

15 (d) "Department" means the [Department of Human Resources] STATE  
16 DEPARTMENT OF EDUCATION.

17 (e) "Executive Committee" means the Executive Committee of the Advisory  
18 Board.

19 (f) (1) "Fund" means the Maryland After-School Opportunity Fund.

20 (2) "Fund" does not include money provided under the Purchase of Child  
21 Care Program administered by the [Child Care Administration of the Department of  
22 Human Resources] ~~EARLY CHILDHOOD DEVELOPMENT DIVISION OF THE STATE~~  
23 DEPARTMENT OF ~~EDUCATION~~ HUMAN RESOURCES.

24 (g) "Program" means the Maryland After-School Opportunity Fund Program.

25 (h) "Technical assistance" includes assistance in the identification and  
26 implementation of effective practices for after-school programs.

27 7-1202.

28 (a) There is a Maryland After-School Opportunity Fund Program.

29 (b) There is a Maryland After-School Opportunity Fund in the Program.

30 (c) The Executive Committee, in consultation with the Advisory Board, shall  
31 administer the Program.

1 (d) The Executive Committee shall consult with the Maryland Partnership for  
2 Children, Youth, and Families in developing the Program's standards and in  
3 operating the Program.

4 7-1203.

5 (a) There is an Advisory Board on After-School Opportunity Programs in the  
6 Program.

7 (b) The Advisory Board shall consist of the following individuals:

8 (1) The Governor or the Governor's designee;

9 (2) The President of the Senate of Maryland or the President's designee;

10 (3) The Speaker of the House of Delegates of Maryland or the Speaker's  
11 designee;

12 (4) The State Superintendent of Schools or the Superintendent's  
13 designee;

14 (5) The Secretaries of Health and Mental Hygiene, Juvenile Services,  
15 and Human Resources or their designees;

16 (6) The Special Secretary of the Office for Children, Youth, and Families  
17 or the Special Secretary's designee;

18 (7) One representative of the Office of Crime Control and Prevention  
19 designated by the Governor; and

20 (8) Fifteen individuals serving 2-year terms, to be appointed by the  
21 Governor, as follows:

22 (i) Two members who represent the children's advocacy  
23 community;

24 (ii) Two members of the after-school provider community who  
25 represent providers not included in items (vi) and (vii) of this item;

26 (iii) Two members who are parents of students enrolled in the State  
27 in kindergarten through grade 12;

28 (iv) Two members who are students enrolled in the State in grades 6  
29 through 12;

30 (v) One teacher who is working in a school in the State;

31 (vi) One member who is a registered family child care provider who  
32 serves school age children;

- 1 (vii) One member who is a staff member of a licensed child care  
2 center who serves school age children;
- 3 (viii) One member of a local management board;
- 4 (ix) One member of a local board of education;
- 5 (x) One member who is a professional in the field of recreation and  
6 parks that delivers licensed or regulated child care programs; and
- 7 (xi) One member who represents the concerns of developmentally  
8 disabled children.

9 (c) (1) There is an Executive Committee of the Advisory Board.

10 (2) The Executive Committee consists of the following individuals:

- 11 (i) The Governor or the Governor's designee;
- 12 (ii) The Secretary of Human Resources or the Secretary's designee;
- 13 (iii) The State Superintendent of Schools or the Superintendent's  
14 designee;
- 15 (iv) The Secretary of Juvenile Services or the Secretary's designee;
- 16 (v) The Secretary of Health and Mental Hygiene or the Secretary's  
17 designee; and
- 18 (vi) The Special Secretary of the Office for Children, Youth, and  
19 Families or the Special Secretary's designee.

20 (d) (1) The Governor shall serve as the chair of the Advisory Board and of  
21 the Executive Committee.

22 (2) The Governor may designate the Lieutenant Governor or one of the  
23 secretaries serving on the Advisory Committee and the Executive Committee to act as  
24 chair in the Governor's absence.

25 7-1204.

26 (a) The Department shall administer the Fund as directed by the Executive  
27 Committee.

28 (b) (1) Prior to final action by the Executive Committee, the Advisory Board  
29 shall review and make recommendations on:

- 30 (i) Program standards;
- 31 (ii) Requests for proposals; and

1 (iii) Criteria for awarding grants.

2 (2) A member of the Advisory Board may not vote on or make any  
3 recommendation to the Executive Committee if the member has a financial interest  
4 that may be substantially affected by that recommendation.

5 (c) (1) On or before December 15 of each year, the Executive Committee, in  
6 consultation with the Advisory Board, shall review and update the comprehensive  
7 plan of after-school opportunity programs as described in paragraph (2) of this  
8 subsection.

9 (2) The comprehensive plan shall address at least the following issues:

10 (i) Integration of public and private funding sources;

11 (ii) Maximization of federal funding opportunities;

12 (iii) Consideration of the special needs of developmentally disabled  
13 children, including needed services, supports, and appropriate provider training;

14 (iv) Promotion of the use of school buildings and local public  
15 transportation resources for after-school opportunity programs;

16 (v) Where applicable, use of the local child care resource and  
17 referral centers of the Maryland Child Care Resource Network for technical  
18 assistance purposes;

19 (vi) Promotion of continued expansion of high quality after-school  
20 opportunity programs in the State; and

21 (vii) Consideration of implementing the full range of options for  
22 improving the delivery of after-school opportunity programs, including the potential  
23 expansion of the purchase of care voucher system.

24 (d) (1) Each fiscal year, in consultation with the Advisory Board and subject  
25 to the availability of money in the Fund, the Executive Committee shall issue a  
26 request for proposals under the State procurement law soliciting bids for a grant from  
27 the Fund.

28 (2) Subject to subsection (b)(2) of this section, the Executive Committee  
29 may award a grant from the Fund to an applicant only after consultation with the  
30 Advisory Board and upon a favorable vote of a majority of the members of the  
31 Executive Committee.

32 (3) In any fiscal year, the total grants awarded to applicants operating  
33 within a particular county or Baltimore City may not exceed 15% of the total grants  
34 awarded in that fiscal year.

35 (4) The Executive Committee must identify and ensure that a  
36 responsible organization will administer any grant awarded from the Fund.

1 (e) In selecting an organization to administer a grant from the Fund, the  
2 Executive Committee shall select the responsive and responsible bidder whose  
3 application best incorporates features that will have a positive measurable impact on  
4 one or more of the conditions of well-being for Maryland children and youth identified  
5 by the Maryland Partnership for Children, Youth, and Families.

6 (f) The Executive Committee may award a planning grant from the Fund to  
7 assist an organization in a county to prepare an application for a grant for the next  
8 fiscal year.

9 7-1205.

10 Subject to § 2-1246 of the State Government Article, the Executive Committee  
11 shall report by December 31 of each year to the General Assembly on the  
12 implementation of the Program, including an evaluation of the effectiveness of the  
13 after-school opportunity programs funded by grants under the Program.

14 7-1206.

15 The Executive Committee shall adopt regulations to carry out the provisions of  
16 this subtitle.

17 7-1207.

18 This subtitle may be cited as the Maryland After-School Opportunity Fund Act.

19 SECTION 7. AND BE IT FURTHER ENACTED, That:

20 (a) The functions and activities of the following programs are transferred from  
21 the Department of Human Resources to the State Department of Education:

22 (1) Maryland Child Care Resource Network;

23 (2) Maryland Family Support Centers Network;

24 (3) Maryland Child Care Credential; and

25 (4) any other child care or early childhood development program within  
26 the Department of Human Resources.

27 (b) The functions and activities of the following programs are transferred from  
28 the Office for Children, Youth, and Families to the State Department of Education:

29 (1) Home Visiting Consortium;

30 (2) Healthy Families Maryland;

31 (3) School Based Health Care Initiative; and

32 (4) any other childcare or early childhood development program within  
33 the Office for Children, Youth, and Families.

1 SECTION 8. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
2 be construed to facilitate or effectuate the transfer of the Office of Child Care Subsidy  
3 or the Purchase of Child Care Voucher Program from the Department of Human  
4 Resources to the Maryland State Department of Education. The State Department of  
5 Education, in consultation with the Department of Human Resources, shall study  
6 whether the Purchase of Child Care Voucher Program should be transferred to the  
7 State Department of Education at a later date. The State Department of Education  
8 shall report the results of this study and any recommendations concerning the  
9 transfer of the Purchase of Child Care Voucher Program to the General Assembly, in  
10 accordance with § 2-1246 of the State Government Article, on or before November 30,  
11 2005.

12 SECTION ~~8.~~9. AND BE IT FURTHER ENACTED, That:

13 (a) (1) The State Department of Education shall ~~develope~~ develop a plan to  
14 address the needs of children with disabilities, children with special health care  
15 needs, and child care providers that care for these children.

16 (2) The plan shall incorporate the recommendations of the Task Force on  
17 Inclusive Child Care and After School Care for Children with Disabilities and Special  
18 Health Care Needs and shall reflect input from families of children with disabilities  
19 and special health care needs.

20 (3) On or before January 1, 2006, the plan, and an assessment of the  
21 anticipated resources necessary for implementation of the plan, shall be reported to  
22 the Department of Disabilities and, in accordance with § 2-1246 of the State  
23 Government Article, the General Assembly.

24 (b) The Department of Disabilities shall incorporate the plan into the State  
25 Disability Plan on or before January 1, 2006.

26 (c) On or before July 1, 2006, July 1, 2007, and July 1, 2008, the State  
27 Department of Education shall submit a progress report detailing implementation of  
28 the plan developed under subsection (a) of this section to the Department of  
29 Disabilities and, in accordance with § 2-1246 of the State Government Article, the  
30 General Assembly.

31 SECTION ~~8.~~9-10. AND BE IT FURTHER ENACTED, That all employees  
32 of the Child Care Administration and the Office for Children, Youth, and Families,  
33 whose positions are transferred to the State Department of Education by this Act  
34 shall be so transferred on the effective date of this Act without any diminution of their  
35 rights, including collective bargaining rights, benefits, or employment and retirement  
36 status.

37 SECTION ~~9.~~10-11. AND BE IT FURTHER ENACTED, That all persons  
38 who are classified employees of the Child Care Administration and the Office for  
39 Children, Youth, and Families as of June 30, 2005, and who are transferred to the  
40 State Department of Education as part of the transfer of nonstatutory programs  
41 relating to the Child Care Administration and the Office for Children, Youth, and  
42 Families shall be transferred without any diminution of their rights, including



1 collective bargaining rights, benefits, or employment status, including, if any, merit  
2 system and retirement status.

3 SECTION ~~10.~~ ~~11.~~ ~~12.~~ AND BE IT FURTHER ENACTED, That nothing in  
4 this Act shall be construed to:

5 (a) Diminish any of the powers and duties of the Social Services  
6 Administration to investigate reports of child abuse and neglect; or

7 (b) Affect any of the powers and duties of the Department of Juvenile Services,  
8 the Department of Health and Mental Hygiene, and the Department of Human  
9 Resources to operate residential care facilities or group homes.

10 SECTION ~~11.~~ ~~12.~~ ~~13.~~ AND BE IT FURTHER ENACTED, That except as  
11 otherwise provided in this Act, nothing in this Act affects the term of office of an  
12 appointed member of any board, commission, committee, or council. A person who is a  
13 member of such a unit on the effective date of this Act shall remain a member for the  
14 balance of the term to which the person was appointed, unless the person before the  
15 end of the term dies, resigns, or is removed pursuant to the provisions of law.

16 SECTION ~~12.~~ ~~13.~~ ~~14.~~ AND BE IT FURTHER ENACTED, That all property,  
17 including real or personal property, records, fixtures, appropriations, credits, assets,  
18 liabilities, obligations, rights, and privileges held by the Department of Human  
19 Resources or the Office for Children, Youth, and Families to carry out the exclusive  
20 functions of the programs transferred under this Act shall be transferred to the State  
21 Department of Education on the effective date of this Act.

22 SECTION ~~13.~~ ~~14.~~ ~~15.~~ AND BE IT FURTHER ENACTED, That, except as  
23 otherwise provided by law, all existing laws, rules, and regulations, proposed rules  
24 and regulations, standards and guidelines, policies, orders and other directives,  
25 forms, plans, memberships, contracts, property, investigations, administrative and  
26 judicial responsibilities, rights to sue and be sued, and all other duties and  
27 responsibilities associated with the functions of the Child Care Administration and  
28 the programs transferred from the Office for Children, Youth, and Families and the  
29 Maryland Family Support Centers Network prior to the effective date of this Act shall  
30 continue in effect under the State Department of Education, until completed,  
31 withdrawn, canceled, modified, or otherwise changed pursuant to law.

32 SECTION ~~14.~~ ~~15.~~ ~~16.~~ AND BE IT FURTHER ENACTED, That all  
33 contracts, agreements, grants, or other obligations entered into by the Child Care  
34 Administration or the programs transferred from the Office for Children, Youth, and  
35 Families, and the Maryland Family Support Centers Network prior to July 1, 2005,  
36 are hereby declared to be valid, legal and binding obligations of the State Department  
37 of Education, enforceable in accordance with their terms.

38 SECTION ~~15.~~ ~~16.~~ ~~17.~~ AND BE IT FURTHER ENACTED, That the  
39 publishers of the Annotated Code of Maryland, subject to the approval of the  
40 Department of Legislative Services, shall propose the correction of any agency names  
41 and titles throughout the Annotated Code that are rendered incorrect by this Act and

1 any necessary corrections shall be satisfied by passage of the Annual Corrective Bill  
2 of 2006.

3 SECTION ~~16. 17. 18.~~ AND BE IT FURTHER ENACTED, That all  
4 appropriations, including State and federal funds, held by the Department of Human  
5 Resources to carry out the exclusive functions of the Child Care Administration or any  
6 other program transferred under this Act shall be transferred to the State  
7 Department of Education on the effective date of this Act.

8 SECTION ~~17. 18. 19.~~ AND BE IT FURTHER ENACTED, That all  
9 appropriations including State and federal funds, held by the Office for Children,  
10 Youth, and Families to carry out the exclusive functions of the Home Visiting  
11 Consortium, Healthy Families Maryland, the School Based Health Care Initiative,  
12 and any other program transferred under this Act shall be transferred to the State  
13 Department of Education on the effective date of this Act.

14 SECTION ~~18. 19. 20.~~ AND BE IT FURTHER ENACTED, That this Act  
15 shall take effect July 1, 2005.