
By: **Senator Hollinger**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 employees of the Department
11 of Human Resources and the Office for Children, Youth, and Families who are
12 transferred to the State Department of Education be transferred without any
13 diminution of their rights, benefits, or employment status; providing that
14 nothing in this Act be construed to diminish certain powers and duties of the
15 Social Services Administration, the Department of Juvenile Services, the
16 Department of Health and Mental Hygiene, or the Department of Human
17 Resources; requiring the Department of Legislative Services in conjunction with
18 the publishers of the Annotated Code of Maryland to revise the Code to conform
19 it to the changes made by this Act; and generally relating to the transfer of the
20 Child Care Administration, programs of the Office for Children, Youth, and
21 Families, and Maryland Family Support Centers Network to the State
22 Department of Education.

23 BY renumbering
24 Article - Education
25 Section 2-303(j)
26 to be Section 2-303(k)
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2004 Supplement)

29 BY repealing
30 Article - Family Law
31 Section 5-559 and 5-585.1
32 Annotated Code of Maryland

- 1 (2004 Replacement Volume)
- 2 BY transferring
- 3 Article 49D - Office for Children, Youth, and Families
- 4 Section 46 through 50, respectively, and the subheading "Maryland
- 5 School-Based Health Policy Advisory Council"
- 6 Annotated Code of Maryland
- 7 (2003 Replacement Volume and 2004 Supplement)
- 8 to be
- 9 Article - Education
- 10 Section 7-4A-01 through 7-4A-05, respectively, and the subtitle "Subtitle 4A.
- 11 Maryland School-Based Health Policy Advisory Council"
- 12 Annotated Code of Maryland
- 13 (2004 Replacement Volume and 2004 Supplement)
- 14 BY transferring
- 15 Article 41 - Governor - Executive and Administrative Departments
- 16 Section 6-801 through 6-807, respectively, and the subtitle "Subtitle 8.
- 17 Maryland After-School Opportunity Fund Program"
- 18 Annotated Code of Maryland
- 19 (2003 Replacement Volume and 2004 Supplement)
- 20 to be
- 21 Article - Education
- 22 Section 7-1201 through 7-1207, respectively, and the subtitle "Subtitle 12.
- 23 Maryland After-School Opportunity Fund Program"
- 24 Annotated Code of Maryland
- 25 (2004 Replacement Volume and 2004 Supplement)
- 26 BY adding to
- 27 Article - Education
- 28 Section 2-303(j)
- 29 Annotated Code of Maryland
- 30 (2004 Replacement Volume and 2004 Supplement)
- 31 BY adding to
- 32 Article - Family Law
- 33 Section 5-550
- 34 Annotated Code of Maryland
- 35 (2004 Replacement Volume)
- 36 BY repealing and reenacting, with amendments,
- 37 Article - Family Law
- 38 Section 5-550, 5-552, 5-552.1, 5-554, 5-554.1, 5-556, 5-558, 5-559.2, 5-570,

1 5-572, 5-573, 5-575, 5-580, 5-580.1, 5-581, 5-584, 5-586 through 5-589,
2 5-590 through 5-594, and 5-594.8
3 Annotated Code of Maryland
4 (2004 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article - Education
7 Section 7-4A-01, 7-4A-02, and 7-4A-05
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2004 Supplement)
10 (As enacted by Section 3 of this Act)

11 BY repealing and reenacting, without amendments,
12 Article - Education
13 Section 7-4A-03 and 7-4A-04
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2004 Supplement)
16 (As enacted by Section 3 of this Act)

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 7-1201
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2004 Supplement)
22 (As enacted by Section 4 of this Act)

23 BY repealing and reenacting, without amendments,
24 Article - Education
25 Section 7-1202 through 7-1207
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2004 Supplement)
28 (As enacted by Section 4 of this Act)

29 Preamble

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

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

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

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

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

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

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

15 WHEREAS, Located in a single department, programs could more easily be
16 aligned to support development from birth to completion of high school, and the
17 department being held accountable for children's educational achievement under the
18 No Child Left Behind Act and the Bridge to Excellence in Public Education Act would
19 be in a far stronger position to accomplish that goal; now, therefore,

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-559 and
24 5-585.1 of Article - Family Law of the Annotated Code of Maryland be repealed.

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

31 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 6-801 through
32 6-807, respectively, and the subtitle "Subtitle 8. Maryland After-School Opportunity
33 Fund Program" of Article 41 - Governor - Executive and Administrative Departments
34 of the Annotated Code of Maryland be transferred to be Section(s) 7-1201 through
35 7-1207, respectively, and the subtitle "Subtitle 12. Maryland After-School
36 Opportunity Fund Program" of Article - Education of the Annotated Code of
37 Maryland.

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

1

Article - Education

2 2-303.

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

5

Article - Family Law

6 5-550.

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

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

10 (C) "DIRECT GRANT FUND" MEANS THE FAMILY DAY CARE PROVIDER DIRECT
11 GRANT FUND.

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

14 (E) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
15 SCHOOLS.

16 [5-550.] 5-550.1.

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

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

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

22 (2) identify family day care homes;

23 (3) provide basic technical assistance and child care information to day
24 care providers; and

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

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

29 5-552.

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

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

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

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

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

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

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

15 5-552.1.

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

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

20 (b) The amnesty is intended to encourage compliance with registration
21 requirements by:

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

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

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

31 (ii) Except as provided in subparagraph (iii) of this paragraph, the
32 amnesty period shall be 12 months for each year from October 1, 1994 to September
33 30, 1997.

34 (iii) Subject to subparagraph (iv) of this paragraph, the [Child Care
35 Administration of the] Department may reduce the number of months in the amnesty
36 period to not less than 2 months for each of the 2 years from October 1, 1995 to

1 September 30, 1997, if the [Child Care Administration] DEPARTMENT finds that a
2 12-month period is not feasible.

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

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

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

11 (2) Any unregistered family day care provider participating in the
12 amnesty:

13 (i) may not be enjoined by the Department as long as information
14 is not made known to the Department that the health, safety, or welfare of any child
15 in the care of the unregistered family day care provider is endangered, including any
16 information or evidence provided by a State or local code enforcement authority or
17 protective services or law enforcement agency;

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

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

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

24 (1) the unregistered family day care provider:

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

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

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

36 (f) Notwithstanding any other provision of law, except for any willful or
37 grossly negligent act, a State or local code enforcement authority, protective services

1 or law enforcement agency, the Department of Human Resources, STATE
2 DEPARTMENT OF EDUCATION, and the personnel of a State or local code enforcement
3 authority, protective services or law enforcement agency, [or] the Maryland
4 Department of Human Resources, OR THE STATE DEPARTMENT OF EDUCATION shall
5 be immune from civil liability for any act or injury to any child attributable to or
6 resulting from the amnesty period provided for in this section.

7 5-554.

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

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

14 (2) Subject to paragraph (1) of this subsection, the [Secretary of the
15 Department or the Secretary's designee] STATE SUPERINTENDENT OR THE STATE
16 SUPERINTENDENT'S DESIGNEE shall exercise the authority granted to the
17 [Administration or the Director of the Administration] DEPARTMENT.

18 5-554.1.

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

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

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

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

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

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

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

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

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

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

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

13 (e) (1) An administrative search warrant issued under this section
14 authorizes the [Secretary] STATE SUPERINTENDENT and other officials or employees
15 of the STATE Department OF EDUCATION OR THE DEPARTMENT OF HUMAN
16 RESOURCES 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 family day care homes.

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

20 5-556.

21 (a) In addition to any other provision of law relating to child abuse and
22 neglect, a local department that receives a report of suspected child abuse under §
23 5-704 or § 5-705 of this title that concerns a family day care home shall notify the
24 [Secretary's] STATE SUPERINTENDENT'S designee within 48 hours.

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

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

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

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

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

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

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

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

10 5-558.

11 This Part V of this subtitle may not be construed to impair or limit the authority
12 granted to the Department of Human Resources, the STATE Department of
13 Education, or the Department of Health and Mental Hygiene under any other
14 provision of the Code unless that provision necessarily is inconsistent with this Part
15 V of this subtitle.

16 5-559.2.

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

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

23 5-570.

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

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

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

31 (2) "Child care center" shall include a nonpublic nursery school in which
32 an instructional program is offered or provided for children who are under the age of
33 5 years.

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

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

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

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

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

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

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

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

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

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

18 (H) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
19 SCHOOLS OR THE STATE SUPERINTENDENT'S DESIGNEE.

20 5-572.

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

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

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

26 (3) any building code or zoning provision;

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

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

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

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

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

6 5-573.

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

9 (b) These rules and regulations shall:

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

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

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

14 (i) monitoring children for signs and symptoms of child abuse;

15 (ii) instructing licensees and staff concerning child abuse detection
16 and reporting;

17 (iii) monitoring health practices to help prevent the spread of
18 disease; and

19 (iv) monitoring the care of infants and children with special needs;

20 (4) promote the sound growth and development of children in child care
21 centers;

22 (5) encourage the care of children in a homelike environment by
23 reflecting the impracticability of conforming a residence to standards that are
24 appropriate for institutions and otherwise providing for centers that are in residences
25 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer
26 children required to be licensed under § 5-574 of this subtitle;

27 (6) carry out otherwise the purposes and requirements of this Part VII of
28 this subtitle, including imposition of intermediate sanctions to ensure compliance;

29 (7) prohibit a child from remaining at a child care center for more than
30 14 hours in 1 day unless the Department issues an exception for that child based on
31 guidelines set by the [Secretary] STATE SUPERINTENDENT; and

32 (8) (i) require that a child care center have in attendance at all times
33 at least 1 individual who is responsible for supervision of children, including children
34 on field trips, and who holds a current certificate indicating successful completion of
35 approved:

1 1. basic first aid training through the American Red Cross or
2 through a program with equivalent standards; and

3 2. cardiopulmonary resuscitation (CPR) training through the
4 American Heart Association or through a program with equivalent standards
5 appropriate for the ages of children for whom care is provided in the child care center;
6 and

7 (ii) require that a child care center serving more than 20 children
8 have in attendance certificate holders described in item (i) of this item in a ratio of at
9 least 1 certificate holder for every 20 children.

10 5-575.

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

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

14 (1) the name of the applicant;

15 (2) the proposed location of the child care center;

16 (3) the name of the individual to be in charge of the child care center;

17 and

18 (4) any other information that the Department requires.

19 5-580.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 5-580.1.

37 (a) The [Secretary] STATE SUPERINTENDENT or other authorized official or
38 employee of the Department [of Human Resources] may apply to a judge of the

1 District Court or a circuit court for an administrative search warrant to enter any
2 unlicensed child care center to conduct any inspection required or authorized by law
3 to determine compliance with the provisions of this subtitle relating to child care
4 centers.

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

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

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

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

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

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

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

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

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

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

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

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

1 5-581.

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

5 5-584.

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

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

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

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

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

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

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

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

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

30 5-586.

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

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

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

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

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

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

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

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

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

13 (H) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
14 SCHOOLS.

15 5-587.

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

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

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

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

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

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

32 5-588.

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

1 (b) The Department shall:

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

5 (2) provide for licensing of child care centers for children of State
6 employees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 5-589.

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

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

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

12 (c) The Department shall administer the pilot program established under this
13 section.

14 (d) The pilot program shall be:

15 (1) operated in at least 1 State-occupied building or State complex where
16 700 or more State employees are located;

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

18 (3) established for at least 3 years.

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

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

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

25 (ii) to provide proof of financial responsibility;

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

27 (iv) to comply with any laws or regulations governing child care
28 centers;

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

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

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

3 5-590.

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

6 (b) ["Child Care Administration" means the Child Care Administration of the
7 Department.

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

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

11 (C) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
12 SCHOOLS.

13 5-591.

14 There is [a Child Care Administration] AN EARLY CHILDHOOD DEVELOPMENT
15 Advisory Council.

16 5-592.

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

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

22 (b) The members shall include:

23 (1) 1 member of the Senate of Maryland appointed by the President of
24 the Senate;

25 (2) 1 member of the Maryland House of Delegates appointed by the
26 Speaker of the House;

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

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

29 (ii) [the Child Care Administration of the Department of Human
30 Resources;

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

32 [(iv) (III) the Head Start Program;

- 1 [(v)] (IV) the State Department of Education;
- 2 [(vi)] (V) the Office of the State Fire Marshal;
- 3 [(vii)] (VI) a local government;
- 4 [(viii)] (VII) a child care advocacy organization;
- 5 [(ix)] (VIII) an independent school, which may include a religious,
6 nonsectarian, or nursery school;
- 7 [(x)] (IX) a child care resource and referral agency;
- 8 [(xi)] (X) the Department of the Environment;
- 9 [(xii)] (XI) a community college with an early childhood education
10 program;
- 11 [(xiii)] (XII) the Maryland Association of Social Services Directors;
12 and
- 13 [(xiv)] (XIII) a professional organization concerned with the quality
14 of early childhood programs;

15 (4) at least 1 representative, appointed by the [Secretary] STATE
16 SUPERINTENDENT, who is:

- 17 (i) a local fire official who has responsibility for the enforcement or
18 administration of fire codes;
- 19 (ii) a user of child care services; and
- 20 (iii) a business person;

21 (5) a pediatrician with an interest and expertise in day care issues,
22 appointed by the [Secretary] STATE SUPERINTENDENT;

23 (6) at least two family day care providers, appointed by the [Secretary]
24 STATE SUPERINTENDENT; and

25 (7) at least two child care providers from child care centers, appointed by
26 the [Secretary] STATE SUPERINTENDENT.

27 (c) (1) The term of a member is 3 years.

28 (2) At the end of a term, a member continues to serve until a successor is
29 appointed and qualifies.

30 (3) A member who is appointed after a term has begun serves only for
31 the rest of the term and until a successor is appointed and qualifies.

1 (4) (i) If a vacancy occurs, the [Secretary] STATE SUPERINTENDENT
2 promptly shall appoint a successor who will serve until the term expires.

3 (ii) The successor may be reappointed for a full term.

4 (5) Any member who leaves the position with the organization or State
5 agency that the member represents on the Council shall automatically lose their
6 appointment to the Council and the [Secretary] STATE SUPERINTENDENT shall
7 promptly appoint a successor.

8 (d) From among the members of the Council, the [Secretary] STATE
9 SUPERINTENDENT shall appoint a chairman.

10 (e) (1) A majority of the members then serving on the Council is a quorum.

11 (2) The Council shall meet at least once a year at the time and place it
12 decides.

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

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

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

20 5-593.

21 The Council shall:

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

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

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

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

33 5-594.

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

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

2 (c) "Child care provider" means a family day care provider or a child care
3 center.

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

6 (e) "Family day care provider" has the meaning stated in § [5-559(d)]
7 5-550(D) of this subtitle.

8 5-594.8.

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

11 **Article - Education**

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

13 7-4A-01.

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

16 7-4A-02.

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

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

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

23 7-4A-03.

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

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

27 (2) The State Superintendent of Schools or the State Superintendent's
28 designee;

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

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

- 1 (5) The Secretary of Human Resources or the Secretary's designee;
- 2 (6) The Secretary of Budget and Management or the Secretary's
3 designee;
- 4 (7) One member of the Senate of Maryland appointed by the President of
5 the Senate;
- 6 (8) One member of the House of Delegates of Maryland appointed by the
7 Speaker of the House;
- 8 (9) The following members appointed by the Governor:
- 9 (i) One individual with experience or expertise with the Maryland
10 Medical Assistance Program;
- 11 (ii) One local health officer;
- 12 (iii) One local superintendent of schools;
- 13 (iv) Three individuals from local jurisdictions, including at least one
14 representative of a local management board;
- 15 (v) Three individuals who represent community leaders from
16 organizations and faith communities that have experience or expertise with the
17 services offered in school-based health centers; and
- 18 (vi) Three consumers of school-based health care including
19 students and their parents;
- 20 (vii) A pediatrician;
- 21 (viii) A nurse practitioner who serves children in a school-based
22 health center;
- 23 (ix) A member of the Maryland Assembly of School-Based Health
24 Centers;
- 25 (x) A dental health professional; and
- 26 (xi) A representative of the Mental Hygiene Administration or a
27 core service agency.
- 28 (b) In making the appointments required under this section, the Governor
29 shall ensure that the Council is representative of:
- 30 (1) The geographic regions of the State; and
- 31 (2) Minority populations of the State.

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

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

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

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

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

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

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

16 7-4A-04.

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

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

22 7-4A-05.

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

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

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

30 (2) Recommend legislative initiatives;

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

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

- 1 (5) Participate in the review of grants to local jurisdictions for the
2 development of school-based health care programs;
- 3 (6) Develop strategies for funding and reimbursement of care delivered
4 in school-based health centers;
- 5 (7) Develop a consistent outcome measurement tool to be used by all
6 school-based health centers in the State and assess the progress of all school-based
7 health centers based on the information collected;
- 8 (8) Establish standards of practice within school-based health centers;
- 9 (9) Encourage the development of models of excellence in school-based
10 health centers;
- 11 (10) Prepare an annual report to the [Subcabinet] STATE DEPARTMENT
12 OF EDUCATION AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; and
- 13 (11) Perform other activities identified that impact on the development,
14 sustainability, or quality of school-based health care in Maryland.

15 Subtitle 12. Maryland After-School Opportunity Fund Program.
16 7-1201.

- 17 (a) In this subtitle the following words have the meanings indicated.
- 18 (b) "Advisory Board" means the Advisory Board on After-School Opportunity
19 programs.
- 20 (c) "After-school opportunity programs" means enrichment programs for
21 school age children that take place:
- 22 (1) Before school starts each day and after school ends each day;
- 23 (2) On weekends;
- 24 (3) On holidays;
- 25 (4) During vacations; and
- 26 (5) During summer break.
- 27 (d) "Department" means the [Department of Human Resources] STATE
28 DEPARTMENT OF EDUCATION.
- 29 (e) "Executive Committee" means the Executive Committee of the Advisory
30 Board.
- 31 (f) (1) "Fund" means the Maryland After-School Opportunity Fund.

1 (2) "Fund" does not include money provided under the Purchase of Child
2 Care Program administered by the [Child Care Administration of the Department of
3 Human Resources] EARLY CHILDHOOD DEVELOPMENT DIVISION OF THE STATE
4 DEPARTMENT OF EDUCATION.

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

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

8 7-1202.

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

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

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

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

16 7-1203.

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

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

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

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

22 (3) The Speaker of the House of Delegates of Maryland or the Speaker's
23 designee;

24 (4) The State Superintendent of Schools or the Superintendent's
25 designee;

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

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

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

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

- 1 (i) Two members who represent the children's advocacy
2 community;
- 3 (ii) Two members of the after-school provider community who
4 represent providers not included in items (vi) and (vii) of this item;
- 5 (iii) Two members who are parents of students enrolled in the State
6 in kindergarten through grade 12;
- 7 (iv) Two members who are students enrolled in the State in grades 6
8 through 12;
- 9 (v) One teacher who is working in a school in the State;
- 10 (vi) One member who is a registered family child care provider who
11 serves school age children;
- 12 (vii) One member who is a staff member of a licensed child care
13 center who serves school age children;
- 14 (viii) One member of a local management board;
- 15 (ix) One member of a local board of education;
- 16 (x) One member who is a professional in the field of recreation and
17 parks that delivers licensed or regulated child care programs; and
- 18 (xi) One member who represents the concerns of developmentally
19 disabled children.
- 20 (c) (1) There is an Executive Committee of the Advisory Board.
- 21 (2) The Executive Committee consists of the following individuals:
- 22 (i) The Governor or the Governor's designee;
- 23 (ii) The Secretary of Human Resources or the Secretary's designee;
- 24 (iii) The State Superintendent of Schools or the Superintendent's
25 designee;
- 26 (iv) The Secretary of Juvenile Services or the Secretary's designee;
- 27 (v) The Secretary of Health and Mental Hygiene or the Secretary's
28 designee; and
- 29 (vi) The Special Secretary of the Office for Children, Youth, and
30 Families or the Special Secretary's designee.
- 31 (d) (1) The Governor shall serve as the chair of the Advisory Board and of
32 the Executive Committee.

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

4 7-1204.

5 (a) The Department shall administer the Fund as directed by the Executive
6 Committee.

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

9 (i) Program standards;

10 (ii) Requests for proposals; and

11 (iii) Criteria for awarding grants.

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

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

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

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

21 (ii) Maximization of federal funding opportunities;

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

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

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

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

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

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

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

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

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

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

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

22 7-1205.

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

27 7-1206.

28 The Executive Committee shall adopt regulations to carry out the provisions of
29 this subtitle.

30 7-1207.

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

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

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

35 (1) Maryland Child Care Resource Network;

36 (2) Maryland Family Support Centers Network;

- 1 (3) Maryland Child Care Credential; and
- 2 (4) any other child care or early childhood development program within
3 the Department of Human Resources.
- 4 (b) The functions and activities of the following programs are transferred from
5 the Office for Children, Youth, and Families to the State Department of Education:
- 6 (1) Home Visiting Consortium;
- 7 (2) Healthy Families Maryland;
- 8 (3) School Based Health Care Initiative; and
- 9 (4) any other childcare or early childhood development program within
10 the Office for Children, Youth, and Families.

11 SECTION 8. AND BE IT FURTHER ENACTED, That all employees of the Child
12 Care Administration and the Office for Children, Youth, and Families, whose
13 positions are transferred to the State Department of Education by this Act shall be so
14 transferred on the effective date of this Act without any diminution of their rights,
15 benefits, or employment and retirement status.

16 SECTION 9. AND BE IT FURTHER ENACTED, That all persons who are
17 classified employees of the Child Care Administration and the Office for Children,
18 Youth, and Families as of June 30, 2005, and who are transferred to the State
19 Department of Education as part of the transfer of nonstatutory programs relating to
20 the Child Care Administration and the Office for Children, Youth, and Families shall
21 be transferred without any diminution of their rights, benefits, or employment status,
22 including, if any, merit system and retirement status.

23 SECTION 10. AND BE IT FURTHER ENACTED, That nothing in this Act shall
24 be construed to:

- 25 (a) Diminish any of the powers and duties of the Social Services
26 Administration to investigate reports of child abuse and neglect; or
- 27 (b) Affect any of the powers and duties of the Department of Juvenile Services,
28 the Department of Health and Mental Hygiene, and the Department of Human
29 Resources to operate residential care facilities or group homes.

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

36 SECTION 12. AND BE IT FURTHER ENACTED, That all property, including
37 real or personal property, records, fixtures, appropriations, credits, assets, liabilities,

1 obligations, rights, and privileges held by the Department of Human Resources or the
2 Office for Children, Youth, and Families to carry out the exclusive functions of the
3 programs transferred under this Act shall be transferred to the State Department of
4 Education on the effective date of this Act.

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

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

21 SECTION 15. AND BE IT FURTHER ENACTED, That the publishers of the
22 Annotated Code of Maryland, subject to the approval of the Department of Legislative
23 Services, shall propose the correction of any agency names and titles throughout the
24 Annotated Code that are rendered incorrect by this Act and any necessary corrections
25 shall be satisfied by passage of the Annual Corrective Bill of 2006.

26 SECTION 16. AND BE IT FURTHER ENACTED, That all appropriations,
27 including State and federal funds, held by the Department of Human Resources to
28 carry out the exclusive functions of the Child Care Administration or any other
29 program transferred under this Act shall be transferred to the State Department of
30 Education on the effective date of this Act.

31 SECTION 17. AND BE IT FURTHER ENACTED, That all appropriations
32 including State and federal funds, held by the Office for Children, Youth, and
33 Families to carry out the exclusive functions of the Home Visiting Consortium,
34 Healthy Families Maryland, the School Based Health Care Initiative, and any other
35 program transferred under this Act shall be transferred to the State Department of
36 Education on the effective date of this Act.

37 SECTION 18. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 2005.