
By: **Senator Hollinger**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 21, 2005

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
 18 certain dates; requiring the Department of Disabilities to incorporate a certain
 19 plan into the State Disability Plan; providing that employees of the Department
 20 of Human Resources and the Office for Children, Youth, and Families who are
 21 transferred to the State Department of Education be transferred without any
 22 diminution of their rights, benefits, or employment status; providing that
 23 nothing in this Act be construed to diminish certain powers and duties of the
 24 Social Services Administration, the Department of Juvenile Services, the
 25 Department of Health and Mental Hygiene, or the Department of Human
 26 Resources; requiring the Department of Legislative Services in conjunction with
 27 the publishers of the Annotated Code of Maryland to revise the Code to conform
 28 it to the changes made by this Act; and generally relating to the transfer of the

1 Child Care Administration, programs of the Office for Children, Youth, and
2 Families, and Maryland Family Support Centers Network to the State
3 Department of Education.

4 BY renumbering

5 Article - Education
6 Section 2-303(j)
7 to be Section 2-303(k)
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2004 Supplement)

10 BY repealing

11 Article - Family Law
12 Section 5-559 and 5-585.1
13 Annotated Code of Maryland
14 (2004 Replacement Volume)

15 BY transferring

16 Article 49D - Office for Children, Youth, and Families
17 Section 46 through 50, respectively, and the subheading "Maryland
18 School-Based Health Policy Advisory Council"
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2004 Supplement)

21 to be

22 Article - Education
23 Section 7-4A-01 through 7-4A-05, respectively, and the subtitle "Subtitle 4A.
24 Maryland School-Based Health Policy Advisory Council"
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2004 Supplement)

27 BY transferring

28 Article 41 - Governor - Executive and Administrative Departments
29 Section 6-801 through 6-807, respectively, and the subtitle "Subtitle 8.
30 Maryland After-School Opportunity Fund Program"
31 Annotated Code of Maryland
32 (2003 Replacement Volume and 2004 Supplement)

33 to be

34 Article - Education
35 Section 7-1201 through 7-1207, respectively, and the subtitle "Subtitle 12.
36 Maryland After-School Opportunity Fund Program"
37 Annotated Code of Maryland
38 (2004 Replacement Volume and 2004 Supplement)

1 BY adding to

2 Article - Education
3 Section 2-303(j)
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2004 Supplement)

6 BY adding to

7 Article - Family Law
8 Section 5-550
9 Annotated Code of Maryland
10 (2004 Replacement Volume)

11 BY repealing and reenacting, with amendments,

12 Article - Family Law
13 Section 5-550, 5-552, 5-552.1, 5-554, 5-554.1, 5-556, 5-558, 5-559.2, 5-570,
14 5-572, 5-573, 5-575, 5-580, 5-580.1, 5-581, 5-584, 5-586 through 5-589,
15 5-590 through 5-594, and 5-594.8
16 Annotated Code of Maryland
17 (2004 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article - Education
20 Section 7-4A-01, 7-4A-02, and 7-4A-05
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2004 Supplement)
23 (As enacted by Section 3 of this Act)

24 BY repealing and reenacting, without amendments,

25 Article - Education
26 Section 7-4A-03 and 7-4A-04
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2004 Supplement)
29 (As enacted by Section 3 of this Act)

30 BY repealing and reenacting, with amendments,

31 Article - Education
32 Section 7-1201
33 Annotated Code of Maryland
34 (2004 Replacement Volume and 2004 Supplement)
35 (As enacted by Section 4 of this Act)

36 BY repealing and reenacting, without amendments,

37 Article - Education

1 Section 7-1202 through 7-1207
2 Annotated Code of Maryland
3 (2004 Replacement Volume and 2004 Supplement)
4 (As enacted by Section 4 of this Act)

5 Preamble

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

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

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

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

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

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

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

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-559 and
36 5-585.1 of Article - Family Law of the Annotated Code of Maryland be repealed.

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

7 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 6-801 through
8 6-807, respectively, and the subtitle "Subtitle 8. Maryland After-School Opportunity
9 Fund Program" of Article 41 - Governor - Executive and Administrative Departments
10 of the Annotated Code of Maryland be transferred to be Section(s) 7-1201 through
11 7-1207, respectively, and the subtitle "Subtitle 12. Maryland After-School
12 Opportunity Fund Program" of Article - Education of the Annotated Code of
13 Maryland.

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

16 **Article - Education**

17 2-303.

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

20 **Article - Family Law**

21 5-550.

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

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

25 (C) "DIRECT GRANT FUND" MEANS THE FAMILY DAY CARE PROVIDER DIRECT
26 GRANT FUND.

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

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

31 [5-550.] 5-550.1.

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

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

- 1 (1) protect the health, safety, and welfare of children while they are in
2 family day care;
- 3 (2) identify family day care homes;
- 4 (3) provide basic technical assistance and child care information to day
5 care providers; and
- 6 (4) minimize the regulatory rigidity often associated with licensing.

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

10 5-552.

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

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

- 15 (1) is related to each child by blood or marriage;
- 16 (2) is a friend of each child's parents or legal guardian and the care is
17 provided on an occasional basis; or
- 18 (3) has received the care of the child from a child placement agency
19 licensed by the Administration or by a local department.

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

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

27 5-552.1.

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

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

32 (b) The amnesty is intended to encourage compliance with registration
33 requirements by:

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

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

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

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

13 (iii) Subject to subparagraph (iv) of this paragraph, the [Child Care
14 Administration of the] Department may reduce the number of months in the amnesty
15 period to not less than 2 months for each of the 2 years from October 1, 1995 to
16 September 30, 1997, if the [Child Care Administration] DEPARTMENT finds that a
17 12-month period is not feasible.

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

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

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

26 (2) Any unregistered family day care provider participating in the
27 amnesty:

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

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

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

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

1 (1) the unregistered family day care provider:

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

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

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

13 (f) Notwithstanding any other provision of law, except for any willful or
14 grossly negligent act, a State or local code enforcement authority, protective services
15 or law enforcement agency, the Department of Human Resources, STATE
16 DEPARTMENT OF EDUCATION, and the personnel of a State or local code enforcement
17 authority, protective services or law enforcement agency, [or] the Maryland
18 Department of Human Resources, OR THE STATE DEPARTMENT OF EDUCATION shall
19 be immune from civil liability for any act or injury to any child attributable to or
20 resulting from the amnesty period provided for in this section.

21 5-554.

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

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

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

32 5-554.1.

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

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

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

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

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

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

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

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

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

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

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

27 (e) (1) An administrative search warrant issued under this section
28 authorizes the [Secretary] STATE SUPERINTENDENT and other officials or employees
29 of the STATE Department OF EDUCATION OR THE DEPARTMENT OF HUMAN
30 RESOURCES to enter the specified property to perform the inspection and other
31 functions authorized by law to determine compliance with the provisions of this
32 subtitle relating to family day care homes.

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

34 5-556.

35 (a) In addition to any other provision of law relating to child abuse and
36 neglect, a local department that receives a report of suspected child abuse under §

1 5-704 or § 5-705 of this title that concerns a family day care home shall notify the
2 [Secretary's] STATE SUPERINTENDENT'S designee within 48 hours.

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

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

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

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

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

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

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

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

23 5-558.

24 This Part V of this subtitle may not be construed to impair or limit the authority
25 granted to the Department of Human Resources, the STATE Department of
26 Education, or the Department of Health and Mental Hygiene under any other
27 provision of the Code unless that provision necessarily is inconsistent with this Part
28 V of this subtitle.

29 5-559.2.

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

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

1 5-570.

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

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

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

9 (2) "Child care center" shall include a nonpublic nursery school in which
10 an instructional program is offered or provided for children who are under the age of
11 5 years.

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

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

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

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

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

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

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

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

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

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

32 (H) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
33 SCHOOLS OR THE STATE SUPERINTENDENT'S DESIGNEE.

1 5-572.

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

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

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

7 (3) any building code or zoning provision;

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

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

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

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

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

20 5-573.

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

23 (b) These rules and regulations shall:

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

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

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

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

29 (ii) instructing licensees and staff concerning child abuse detection
30 and reporting;

31 (iii) monitoring health practices to help prevent the spread of
32 disease; and

- 1 (iv) monitoring the care of infants and children with special needs;
- 2 (4) promote the sound growth and development of children in child care
3 centers;
- 4 (5) encourage the care of children in a homelike environment by
5 reflecting the impracticability of conforming a residence to standards that are
6 appropriate for institutions and otherwise providing for centers that are in residences
7 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer
8 children required to be licensed under § 5-574 of this subtitle;
- 9 (6) carry out otherwise the purposes and requirements of this Part VII of
10 this subtitle, including imposition of intermediate sanctions to ensure compliance;
- 11 (7) prohibit a child from remaining at a child care center for more than
12 14 hours in 1 day unless the Department issues an exception for that child based on
13 guidelines set by the [Secretary] STATE SUPERINTENDENT; and
- 14 (8) (i) require that a child care center have in attendance at all times
15 at least 1 individual who is responsible for supervision of children, including children
16 on field trips, and who holds a current certificate indicating successful completion of
17 approved:
- 18 1. basic first aid training through the American Red Cross or
19 through a program with equivalent standards; and
- 20 2. cardiopulmonary resuscitation (CPR) training through the
21 American Heart Association or through a program with equivalent standards
22 appropriate for the ages of children for whom care is provided in the child care center;
23 and
- 24 (ii) require that a child care center serving more than 20 children
25 have in attendance certificate holders described in item (i) of this item in a ratio of at
26 least 1 certificate holder for every 20 children.
- 27 5-575.
- 28 (a) An applicant for a license shall submit an application to the Department
29 on the form that the [Secretary] STATE SUPERINTENDENT requires.
- 30 (b) An application for a license shall contain:
- 31 (1) the name of the applicant;
- 32 (2) the proposed location of the child care center;
- 33 (3) the name of the individual to be in charge of the child care center;
34 and
- 35 (4) any other information that the Department requires.

1 5-580.

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

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

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

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

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

17 (2) The hearing notice to be given to the individual shall be sent at least
18 10 days before the hearing.

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

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

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

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

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

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

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

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

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

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

16 5-580.1.

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) The inspection may not exceed the limits specified in the warrant.
16 5-581.

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

20 5-584.

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

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

10 5-586.

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

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

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

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

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

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

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

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

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

28 (H) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
29 SCHOOLS.

30 5-587.

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

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

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

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

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

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

12 5-588.

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

16 (b) The Department shall:

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

20 (2) provide for licensing of child care centers for children of State
21 employees;

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

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

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

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

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

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

35 (2) If any deficiencies under paragraph (1)(ii) of this subsection are not
36 corrected within a reasonable time, the Department of General Services shall notify

1 the [Department of Human Resources] STATE DEPARTMENT OF EDUCATION which
2 will exact compliance in accordance with the terms of the child care center contract.

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

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

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

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

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

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

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

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

20 5-589.

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

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

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

26 (c) The Department shall administer the pilot program established under this
27 section.

28 (d) The pilot program shall be:

29 (1) operated in at least 1 State-occupied building or State complex where
30 700 or more State employees are located;

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

32 (3) established for at least 3 years.

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

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

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

7 (ii) to provide proof of financial responsibility;

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

9 (iv) to comply with any laws or regulations governing child care
10 centers;

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

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

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

17 5-590.

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

20 (b) ["Child Care Administration" means the Child Care Administration of the
21 Department.

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

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

25 (C) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
26 SCHOOLS.

27 5-591.

28 There is [a Child Care Administration] AN EARLY CHILDHOOD DEVELOPMENT
29 Advisory Council.

30 5-592.

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

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

4 (b) The members shall include:

5 (1) 1 member of the Senate of Maryland appointed by the President of
6 the Senate;

7 (2) 1 member of the Maryland House of Delegates appointed by the
8 Speaker of the House;

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

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

11 (ii) [the Child Care Administration of the Department of Human
12 Resources;

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

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

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

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

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

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

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

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

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

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

25 [(xiii)] (XII) the Maryland Association of Social Services Directors;
26 and

27 [(xiv)] (XIII) a professional organization concerned with the quality
28 of early childhood programs;

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

1 (i) a local fire official who has responsibility for the enforcement or
2 administration of fire codes;

3 (ii) a user of child care services; and

4 (iii) a business person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 5-593.

2 The Council shall:

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

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

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

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

14 5-594.

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

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

17 (c) "Child care provider" means a family day care provider or a child care
18 center.

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

21 (e) "Family day care provider" has the meaning stated in § [5-559(d)]
22 5-550(D) of this subtitle.

23 5-594.8.

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

26 **Article - Education**

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

28 7-4A-01.

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

1 7-4A-02.

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

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

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

8 7-4A-03.

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

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

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

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

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

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

18 (6) The Secretary of Budget and Management or the Secretary's
19 designee;

20 (7) One member of the Senate of Maryland appointed by the President of
21 the Senate;

22 (8) One member of the House of Delegates of Maryland appointed by the
23 Speaker of the House;

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

25 (i) One individual with experience or expertise with the Maryland
26 Medical Assistance Program;

27 (ii) One local health officer;

28 (iii) One local superintendent of schools;

29 (iv) Three individuals from local jurisdictions, including at least one
30 representative of a local management board;

- 1 (v) Three individuals who represent community leaders from
2 organizations and faith communities that have experience or expertise with the
3 services offered in school-based health centers; and
- 4 (vi) Three consumers of school-based health care including
5 students and their parents;
- 6 (vii) A pediatrician;
- 7 (viii) A nurse practitioner who serves children in a school-based
8 health center;
- 9 (ix) A member of the Maryland Assembly of School-Based Health
10 Centers;
- 11 (x) A dental health professional; and
- 12 (xi) A representative of the Mental Hygiene Administration or a
13 core service agency.
- 14 (b) In making the appointments required under this section, the Governor
15 shall ensure that the Council is representative of:
- 16 (1) The geographic regions of the State; and
- 17 (2) Minority populations of the State.
- 18 (c) (1) The term of a member appointed under subsection (a) of this section
19 is 3 years.
- 20 (2) The terms of members are staggered as required by the terms
21 provided for members of the Council on October 1, 2002.
- 22 (3) At the end of a term, a member shall continue to serve until a
23 successor is appointed and qualifies.
- 24 (4) A member who is appointed after a term has begun shall serve for the
25 rest of the term or until a successor is appointed and qualifies.
- 26 (d) The Governor shall appoint a successor in the event of a vacancy on the
27 Council.
- 28 (e) From among the members of the Council, the Governor shall designate a
29 chairman for a 2-year term.
- 30 (f) A member of the Council may not receive compensation but is entitled to
31 reimbursement for expenses under the Standard State Travel Regulations, as
32 provided in the State budget.

1 7-4A-04.

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

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

7 7-4A-05.

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

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

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

15 (2) Recommend legislative initiatives;

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

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

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

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

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

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

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

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

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

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

2 7-1201.

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

4 (b) "Advisory Board" means the Advisory Board on After-School Opportunity
5 programs.

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

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

9 (2) On weekends;

10 (3) On holidays;

11 (4) During vacations; and

12 (5) During summer break.

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

15 (e) "Executive Committee" means the Executive Committee of the Advisory
16 Board.

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

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

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

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

25 7-1202.

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

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

28 (c) The Executive Committee, in consultation with the Advisory Board, shall
29 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 develop a plan to address
14 the needs of children with disabilities, children with special health care needs, and
15 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.