

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 356

(Senator Frosh, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

Family Day Care Homes and Child Care Centers - Emergency Preparedness
Plans

This bill requires the Maryland State Department of Education (MSDE) to adopt regulations requiring family day care homes and child care centers to have written emergency preparedness plans for emergency situations that require the evacuation, sheltering in place, or other protection of children.

Fiscal Summary

State Effect: MSDE can adopt regulations with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: An emergency preparedness plan must include: (1) a designated relocation site and evacuation route; (2) procedures for notifying parents or other adults responsible for the children of the relocation; (3) procedures to address the needs of individual children, including those with special needs; (4) procedures for the reassignment of staff duties, as appropriate; and (5) procedures for communicating with local emergency management officials or other appropriate State or local authorities. Regulations must also include provisions that require a family day care home or a child care center to train staff on the emergency preparedness plan.

Prior to the adoption of regulations, MSDE and the State Superintendent of Schools must consult with the Maryland Emergency Management Agency, the Maryland Emergency Management Association, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Department of Disabilities.

Current Law: MSDE must adopt regulations that relate to the registration of family day care homes. One of the purposes for the registration is to protect the health, safety, and welfare of children while they are in family day care. Regulations require that providers: (1) prepare and post an emergency escape plan, (2) regularly orient children, who are old enough to understand, in procedures to be used in the event of a fire or other emergency requiring escape from the house; and (3) conduct regular fire drills. (*See* Family Law Article § 550.1 and COMAR 13A.15.10.01.)

MSDE is also required to adopt rules and regulations for licensing and operating child care centers. In addition to other statutory requirements, the rules and regulations must ensure safe and sanitary conditions and ensure the proper care, protection, and supervision of children in child care centers. Regulations include requirements that an operator of a child care center must: (1) prepare and post an emergency evacuation plan which is approved by the local fire authority, including a diagram of safe routes by which staff and children may exit; and (2) require that at least once a month, the staff and children practice procedures to be used in the event that an evacuation is necessary. (*See* COMAR 13A.16.10.01.)

Background: According to Save the Children, over 11 million children in the United States under the age of five are in some type of child care arrangement while their parents work, yet most states have not taken necessary steps to ensure that child-care facilities are prepared to respond to the needs of children in the event of emergencies. For example, only 14 states require licensed child care facilities to make provisions for children with special needs in case of a disaster. Save the Children plans to issue a report card in the summer of 2009 ranking states on their progress in implementing critical emergency preparedness measures.

MSDE has awarded a grant to Chesapeake College to provide statewide training on emergency preparedness planning to child care providers and informal providers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Maryland State Department of Education, Department of Legislative Services

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