

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 176

(Senator McFadden)

Education, Health, and Environmental Affairs

Health and Government Operations

Family Law - Family Day Care Homes and Child Care Centers - Inspections

This bill alters the requirements for regulations that the Maryland State Department of Education (MSDE) must adopt as related to inspections of family day care homes and child care centers. For registered family day care homes, the bill specifies that regulations must require announced inspections prior to the issuance of an initial or *continuing* registration and repeals the requirement for announced inspections at least every two years afterwards. For child care centers operating under a license or letter of compliance, the bill specifies that announced inspections are to be made prior to issuing the initial or continuing license or letter of compliance and repeals the requirement for announced inspections of these child care centers every two years afterwards. A provision specifying that the inspections for either type of facility must include a determination of whether record keeping requirements are being met is also repealed.

Fiscal Summary

State Effect: None. Any change in State activities will not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: MSDE regulations must, at a minimum, provide for announced inspection by MSDE of each registered family day care home prior to the issuance of an

initial registration and at least once every two years afterwards to determine whether applicable requirements, including those relating to record keeping, are being met.

MSDE must inspect each child care center operating under a license or a letter of compliance:

- on an announced basis before issuing the license or letter of compliance and at least every two years afterwards to determine whether applicable requirements, including those relating to record keeping, are being met; and
- on an unannounced basis at least once during each 12-month period that the license or letter of compliance is in effect to determine whether safe and appropriate child care is being provided.

Background: MSDE advises that in fiscal 2009, there were 11,666 child care facilities statewide. Announced inspections were required for approximately 5,800 of the facilities. Conducting an announced inspection for day care provider homes takes approximately 1.7 hours; for child care centers and letters of compliance facilities, it takes approximately 3.3 hours. Eliminating the requirement for announced inspections at least every two years will allow staff to conduct more unannounced inspections, which allow for a more accurate assessment of what is occurring in the facility on a daily basis.

Additional Comments: Chapter 585 of 2005 transferred the Child Care Administration from the Department of Human Resources to MSDE, effective July 1, 2005.

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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ncs/hlb

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