

SENATE BILL 832

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3lr3070
CF 3lr2333

By: **Senator Ferguson**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Centers – Dispute Resolution**

3 FOR the purpose of establishing a dispute resolution workgroup; providing for the
4 membership of the workgroup; requiring the State Superintendent of Schools, in
5 consultation with the workgroup, to adopt certain rules and regulations
6 establishing a certain dispute resolution process that includes investigation of
7 certain discrimination complaints, written findings of fact and conclusions of
8 law, and appropriate remedies; authorizing the dispute resolution process to
9 include certain informal resolution processes; and generally relating to dispute
10 resolution procedures for child care centers.

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 5–573
14 Annotated Code of Maryland
15 (2012 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 5–573.

20 (a) The State Superintendent shall adopt rules and regulations for licensing
21 and operating child care centers.

22 (b) These rules and regulations shall:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) ensure proper care, protection, and supervision of children in child
2 care centers;
- 3 (3) ensure the health of children in child care centers by:
- 4 (i) monitoring children for signs and symptoms of child abuse;
- 5 (ii) instructing licensees and staff concerning child abuse
6 detection and reporting;
- 7 (iii) monitoring health practices to help prevent the spread of
8 disease; and
- 9 (iv) monitoring the care of infants and children with special
10 needs;
- 11 (4) promote the sound growth and development of children in child
12 care centers;
- 13 (5) carry out otherwise the purposes and requirements of this Part VII
14 of this subtitle, including imposition of intermediate sanctions to ensure compliance;
- 15 (6) prohibit a child from remaining at a child care center for more than
16 14 hours in 1 day unless the Department issues an exception for that child based on
17 guidelines set by the State Superintendent;
- 18 (7) (i) require that a child care center have in attendance at all
19 times at least 1 individual who is responsible for supervision of children, including
20 children on field trips, and who holds a current certificate indicating successful
21 completion of approved:
- 22 1. basic first aid training through the American Red
23 Cross or through a program with equivalent standards; and
- 24 2. cardiopulmonary resuscitation (CPR) training
25 through the American Heart Association or through a program with equivalent
26 standards appropriate for the ages of children for whom care is provided in the child
27 care center; and
- 28 (ii) require that a child care center serving more than 20
29 children have in attendance certificate holders described in item (i) of this item in a
30 ratio of at least 1 certificate holder for every 20 children;
- 31 (8) (i) require that a child care center that receives notice of a
32 contaminated drinking water supply from the child care center's supplier of water, in
33 accordance with § 9-410 of the Environment Article or otherwise, send notice of the

1 drinking water contamination to the parent or legal guardian of each child attending
2 the child care center; and

3 (ii) require that the notice sent by the child care center shall:

4 1. be sent within 10 business days after receipt of the
5 notice of contamination from the child care center's water supplier;

6 2. be in writing;

7 3. identify the contaminants and their levels in the
8 center's water supply; and

9 4. describe the child care center's plan for dealing with
10 the water contamination problem until the child care center's water is determined by
11 the appropriate authority to be safe for consumption;

12 (9) (i) require a child care center to have a written emergency
13 preparedness plan for emergency situations that require evacuation, sheltering in
14 place, or other protection of children, such as in the event of fire, natural disaster, or
15 other threatening situation that may pose a health or safety hazard to the children in
16 the child care center;

17 (ii) require the plan under item (i) of this item to include:

18 1. a designated relocation site and evacuation route;

19 2. procedures for notifying parents or other adults
20 responsible for the child of the relocation;

21 3. procedures to address the needs of individual
22 children, including children with special needs;

23 4. procedures for the reassignment of staff duties during
24 an emergency, as appropriate; and

25 5. procedures for communicating with local emergency
26 management officials or other appropriate State or local authorities; and

27 (iii) require a child care center to train staff and ensure that
28 staff are familiar with the plan; and

29 (10) require a child care center to have window coverings in accordance
30 with § 5-505 of this subtitle.

31 (C) (1) **THERE IS A DISPUTE RESOLUTION WORKGROUP.**

1 **(2) THE WORKGROUP CONSISTS OF THE FOLLOWING MEMBERS,**
2 **APPOINTED BY THE GOVERNOR:**

3 **(I) ONE REPRESENTATIVE FROM THE MARYLAND**
4 **DISABILITY LAW CENTER;**

5 **(II) ONE REPRESENTATIVE FROM THE MARYLAND**
6 **DEVELOPMENTAL DISABILITIES COUNCIL;**

7 **(III) ONE REPRESENTATIVE FROM THE OFFICE OF CHILD**
8 **CARE IN THE DEPARTMENT;**

9 **(IV) ONE REPRESENTATIVE FROM THE MARYLAND FAMILY**
10 **NETWORK; AND**

11 **(V) THREE CHILD CARE PROVIDERS.**

12 **(3) THE STATE SUPERINTENDENT, IN CONSULTATION WITH THE**
13 **DISPUTE RESOLUTION WORKGROUP, SHALL ADOPT RULES AND REGULATIONS**
14 **ESTABLISHING A UNIFORM AND TIMELY DISPUTE RESOLUTION PROCESS THAT**
15 **ADDRESSES THE NEEDS OF CHILDREN AND THEIR FAMILIES TO OBTAIN AND**
16 **KEEP CHILD CARE AND THAT INCLUDES:**

17 **(I) INVESTIGATION OF DISCRIMINATION COMPLAINTS**
18 **BASED ON A CHILD'S DISABILITY;**

19 **(II) WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW**
20 **WITH RESPECT TO THE COMPLAINT; AND**

21 **(III) APPROPRIATE REMEDIES.**

22 **(4) THE DISPUTE RESOLUTION PROCESS ADOPTED UNDER**
23 **PARAGRAPH (3) OF THIS SUBSECTION MAY INCLUDE PROVISIONS FOR AN**
24 **OMBUDSMAN, A MEDIATION, OR ANY OTHER INFORMAL RESOLUTION**
25 **PROCESSES.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2013.