

Chapter 565

(Senate Bill 832)

AN ACT concerning

Child Care ~~Centers~~ – Dispute Resolution

FOR the purpose of establishing a dispute resolution workgroup in the State Department of Education; providing for the membership of the workgroup; requiring the workgroup to make recommendations to the State Superintendent of Schools, ~~in consultation with the workgroup, to adopt~~ regarding certain rules and regulations establishing a certain dispute resolution process ~~that includes investigation of certain discrimination complaints, written findings of fact and conclusions of law, and appropriate remedies; authorizing the dispute resolution process to include certain informal resolution processes;~~ and generally relating to dispute resolution procedures for child care ~~centers~~ providers.

~~BY repealing and reenacting, with amendments,~~

~~Article – Family Law~~

~~Section 5-573~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume)~~

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

~~Article – Family Law~~

~~5-573.~~

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

~~(b) These rules and regulations shall:~~

- ~~(1) ensure safe and sanitary conditions in child care centers;~~
- ~~(2) ensure proper care, protection, and supervision of children in child care centers;~~
- ~~(3) ensure the health of children in child care centers by:

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

- ~~(ii) instructing licensees and staff concerning child abuse detection and reporting;~~
- ~~(iii) monitoring health practices to help prevent the spread of disease; and~~
- ~~(iv) monitoring the care of infants and children with special needs;~~
- ~~(4) promote the sound growth and development of children in child care centers;~~
- ~~(5) carry out otherwise the purposes and requirements of this Part VII of this subtitle, including imposition of intermediate sanctions to ensure compliance;~~
- ~~(6) prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;~~
- ~~(7) (i) require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:
 - ~~1. basic first aid training through the American Red Cross or through a program with equivalent standards; and~~
 - ~~2. cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and~~~~
- ~~(ii) require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children;~~
- ~~(8) (i) require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the child care center; and~~
 - ~~(ii) require that the notice sent by the child care center shall:
 - ~~1. be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;~~~~

- ~~2. be in writing;~~
- ~~3. identify the contaminants and their levels in the center's water supply; and~~
- ~~4. describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption;~~

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

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

- ~~1. a designated relocation site and evacuation route;~~
- ~~2. procedures for notifying parents or other adults responsible for the child of the relocation;~~
- ~~3. procedures to address the needs of individual children, including children with special needs;~~
- ~~4. procedures for the reassignment of staff duties during an emergency, as appropriate; and~~
- ~~5. procedures for communicating with local emergency management officials or other appropriate State or local authorities; and~~

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

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

~~(C) (1) THERE IS A DISPUTE RESOLUTION WORKGROUP.~~

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

~~(i) ONE REPRESENTATIVE FROM THE MARYLAND DISABILITY LAW CENTER;~~

~~(II) ONE REPRESENTATIVE FROM THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;~~

~~(III) ONE REPRESENTATIVE FROM THE OFFICE OF CHILD CARE IN THE DEPARTMENT;~~

~~(IV) ONE REPRESENTATIVE FROM THE MARYLAND FAMILY NETWORK; AND~~

~~(V) THREE CHILD CARE PROVIDERS.~~

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

~~(I) INVESTIGATION OF DISCRIMINATION COMPLAINTS BASED ON A CHILD'S DISABILITY;~~

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

~~(III) APPROPRIATE REMEDIES.~~

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

(a) There is a dispute resolution workgroup in the State Department of Education.

(b) The workgroup consists of the following members, appointed by the State Superintendent of Schools:

(1) one representative from the Maryland Disability Law Center;

(2) one representative from the Maryland Developmental Disabilities Council;

(3) one representative from the Office of Child Care in the Department;

(4) one representative from the Division of Special Education Early Intervention Services in the Department;

(5) one representative from the Maryland Coalition of Families for Children's Mental Health;

(6) one representative from the Maryland Family Network; and

(7) three child care providers.

(c) The workgroup shall make recommendations to the State Superintendent regarding rules and regulations to establish a uniform and timely dispute resolution process to resolve claims of discrimination by a child care provider based on a child's disability that addresses the needs of children and their families to obtain and keep child care, which may include:

(1) voluntary mediation;

(2) a fact finder with authority to make determinations and recommendations consistent with the Americans with Disabilities Act;

(3) a process for child care providers to access training and technical assistance; and

(4) referral of claims of discrimination to the United States Department of Justice or other appropriate agency with jurisdiction over the child care provider.

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

Approved by the Governor, May 16, 2013.