

# SENATE BILL 305

D4, F1

6lr2064

---

By: **Senators Nathan–Pulliam, Benson, Conway, Currie, Ferguson, Kagan, Kelley, King, Lee, and Pugh**

Introduced and read first time: January 22, 2016

Assigned to: Judicial Proceedings

Reassigned: Education, Health, and Environmental Affairs, January 22, 2016

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Family Child Care Providers – High School Diploma or GED Test**

3 FOR the purpose of requiring the regulations of the State Department of Education to  
4 provide for a requirement that a registered family child care provider has obtained  
5 a high school diploma or a passing score on the GED test; making a stylistic change;  
6 providing for the application of this Act; and generally relating to requirements for  
7 registered family child care providers.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 5–551  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2015 Supplement)

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

15 **Article – Family Law**

16 5–551.

17 (a) The Department shall adopt regulations that relate to the registration of  
18 family child care homes and large family child care homes.

19 (b) So far as practicable, the regulations shall be uniform with the rules and  
20 regulations adopted by other State agencies as those rules and regulations relate to other  
21 types of child care.

22 (c) At a minimum, the regulations of the Department shall provide for:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) minimum standards of environmental health and safety, including  
2 provisions for:

3 (i) adequate and safe physical surroundings, including  
4 requirements for window coverings in accordance with § 5–505 of this subtitle;

5 (ii) the physical and mental health of **FAMILY** child care providers;  
6 and

7 (iii) investigation of any criminal record of a **FAMILY** child care  
8 provider;

9 (2) a thorough evaluation of each prospective family child care home, large  
10 family child care home, and **FAMILY** child care provider, to be completed before the  
11 Department accepts an initial registration;

12 (3) an initial family child care registration that expires 2 years after its  
13 effective date;

14 (4) a continuing family child care registration that:

15 (i) upon application by the **FAMILY** child care provider that meets  
16 the requirements set by the Department, is issued to the provider before the end of the  
17 initial registration period; and

18 (ii) once issued, remains in effect until surrendered, suspended,  
19 revoked, or replaced by a conditional registration;

20 (5) reporting of any changed circumstances that relate to the requirements,  
21 by the **FAMILY** child care provider, at the time the change occurs;

22 (6) an orientation to be provided to prospective **FAMILY** child care  
23 providers by the Department before initial registration;

24 (7) announced inspection by the Department of each registered family child  
25 care home and large family child care home prior to issuance of an initial or continuing  
26 registration to determine whether applicable requirements are being met;

27 (8) unannounced inspection by the Department of each registered family  
28 child care home and large family child care home at least once during each 12–month period  
29 that an initial or continuing registration is in effect to determine whether safe and  
30 appropriate child care is being provided;

31 (9) procedures to be followed by the Department in response to a complaint  
32 about a family child care home or large family child care home;

1 (10) a requirement that a person who advertises a family child care home,  
2 large family child care home, or family child care service shall:

3 (i) indicate in the advertisement that the family child care home or  
4 large family child care home is registered; and

5 (ii) display in the advertisement the registration number issued to  
6 the family child care home, large family child care home, or family child care service by the  
7 Department;

8 **(11) A REQUIREMENT THAT EACH REGISTERED FAMILY CHILD CARE**  
9 **PROVIDER HAS OBTAINED:**

10 **(I) A HIGH SCHOOL DIPLOMA; OR**

11 **(II) A PASSING SCORE ON THE GED TEST.**

12 **[(11)] (12)** a requirement that each registered **FAMILY** child care provider  
13 shall hold a current certificate indicating successful completion of approved:

14 (i) basic first aid training through the American Red Cross or  
15 through a program with equivalent standards; and

16 (ii) cardiopulmonary resuscitation (CPR) training through the  
17 American Heart Association or through a program with equivalent standards appropriate  
18 for the ages of children for whom care is provided in the family child care home or large  
19 family child care home; and

20 **[(12)] (13)** (i) a requirement that a family child care home or large  
21 family child care home that receives notice of a contaminated drinking water supply from  
22 the family child care home's or large family child care home's supplier of water, in  
23 accordance with § 9-410 of the Environment Article or otherwise, send notice of the  
24 drinking water contamination to the parent or legal guardian of each child attending the  
25 family child care home or large family child care home; and

26 (ii) a requirement that the notice sent by the family child care home  
27 or large family child care home shall:

28 1. be sent within 10 business days after receipt of the notice  
29 of contamination from the family child care home's or large family child care home's water  
30 supplier;

31 2. be in writing;

1                                 3.     identify the contaminants and their levels in the family  
2 child care home's or large family child care home's water supply; and

3                                 4.     describe the family child care home's or large family child  
4 care home's plan for dealing with the water contamination problem until the family child  
5 care home's or large family child care home's water is determined by the appropriate  
6 authority to be safe for consumption.

7             (d)     The Department shall adopt regulations that:

8                                 (1)     require a family child care provider to have a written emergency  
9 preparedness plan for emergency situations that require evacuation, sheltering in place, or  
10 other protection of children such as in the event of fire, natural disaster, or other  
11 threatening situation that may pose a health or safety hazard to the children in the family  
12 child care home or large family child care home;

13                                 (2)     require the plan under item (1) of this subsection to include:

14   (i)     a designated relocation site and evacuation route;

15   (ii)     procedures for notifying parents or other adults responsible for  
16 the child of the relocation;

17   (iii)     procedures to address the needs of individual children including  
18 children with special needs;

19   (iv)     procedures for the reassignment of staff duties during an  
20 emergency, as appropriate; and

21   (v)     procedures for communicating with local emergency  
22 management officials or other appropriate State or local authorities; and

23                                 (3)     require a family child care provider to train staff and ensure that staff  
24 are familiar with the plan.

25             SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
26 apply only prospectively and may not be applied or interpreted to have any effect on or  
27 application to any family child care provider registered before the effective date of this Act.

28             SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2016.