

HOUSE BILL 396

O4, F1, O3

0lr1419

By: **Delegates Guyton, Cain, Forbes, Hettleman, Kerr, Metzgar, Palakovich Carr, and P. Young**

Introduced and read first time: January 22, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 **Child Care Centers – Early Childhood Screening ~~for Developmental Disabilities~~**
3 **and Assistance**

4 FOR the purpose of requiring the State Department of Education to develop certain
5 guidelines for developmental screenings for certain children; requiring, beginning on
6 a certain date, certain child care centers to offer ~~early childhood screening for~~
7 ~~developmental disabilities for certain children in a certain manner~~; ~~requiring certain~~
8 ~~child care centers to have on-site an individual who has completed a certain training~~
9 ~~program approved by the State Department of Education~~; ~~authorizing the~~
10 ~~Department to approve a certain training program only if the program demonstrates~~
11 ~~certain best practices~~; ~~requiring certain child care centers to make a certain offer,~~
12 ~~provide a certain screening, and provide a certain referral under certain~~
13 ~~circumstances~~; and generally relating to screening for developmental disabilities at
14 ~~child care centers~~ evaluations for certain children entering the center based on the
15 guidelines; requiring an employee of the center to provide certain information and
16 assistance to certain parents or guardians; requiring the center to provide a certain
17 evaluation and certain assistance a certain number of times per year; authorizing a
18 center to meet a certain requirement in a certain manner; providing for a certain
19 immunity for certain employees; providing for the application of this Act; and
20 generally relating to early childhood developmental screenings and assistance.

21 BY adding to

22 Article – Education

23 Section 9.5–413.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2019 Supplement)

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

5 Article - Education

6 9.5-413.1.

7 ~~(A) (1) BEGINNING JULY 1, 2021, EACH CHILD CARE CENTER THAT IS~~
8 ~~REQUIRED TO BE LICENSED OR TO HOLD A LETTER OF COMPLIANCE UNDER THIS~~
9 ~~SUBTITLE SHALL OFFER EARLY CHILDHOOD SCREENING FOR DEVELOPMENTAL~~
10 ~~DISABILITIES FOR EACH CHILD UNDER THE AGE OF 3 YEARS IN THE CHILD CARE~~
11 ~~CENTER IN ACCORDANCE WITH THIS SECTION.~~

12 ~~(2) EACH CHILD CARE CENTER SHALL HAVE ON SITE, AS NECESSARY~~
13 ~~TO MEET THE REQUIREMENTS OF THIS SECTION, AN INDIVIDUAL WHO HAS~~
14 ~~COMPLETED A TRAINING PROGRAM IN EARLY CHILDHOOD SCREENING AND~~
15 ~~INTERVENTIONS FOR DEVELOPMENTAL DISABILITIES THAT IS APPROVED BY THE~~
16 ~~DEPARTMENT.~~

17 ~~(3) THE DEPARTMENT MAY APPROVE A TRAINING PROGRAM ONLY IF~~
18 ~~THE PROGRAM DEMONSTRATES BEST PRACTICES FOR EARLY CHILDHOOD~~
19 ~~SCREENING AND INTERVENTIONS FOR DEVELOPMENTAL DISABILITIES.~~

20 ~~(B) A CHILD CARE CENTER THAT IS REQUIRED TO BE LICENSED OR TO HOLD~~
21 ~~A LETTER OF COMPLIANCE UNDER THIS SUBTITLE SHALL:~~

22 ~~(1) OFFER TO THE PARENT OR GUARDIAN OF EACH CHILD UNDER THE~~
23 ~~AGE OF 3 YEARS A SCREENING OF THE CHILD FOR DEVELOPMENTAL DISABILITIES~~
24 ~~PERFORMED BY THE INDIVIDUAL AT THE CENTER WHO COMPLETED A TRAINING~~
25 ~~PROGRAM APPROVED BY THE DEPARTMENT;~~

26 ~~(2) IF A PARENT OR GUARDIAN ACCEPTS THE OFFER UNDER ITEM (1)~~
27 ~~OF THIS SUBSECTION, PROVIDE TO THE CHILD A SCREENING FOR DEVELOPMENTAL~~
28 ~~DISABILITIES PERFORMED BY THE INDIVIDUAL AT THE CENTER WHO COMPLETED~~
29 ~~THE TRAINING PROGRAM; AND~~

30 ~~(3) IF THE INDIVIDUAL WHO PERFORMS THE SCREENING UNDER ITEM~~
31 ~~(2) OF THIS SUBSECTION DETERMINES THAT THE CHILD MAY NEED FURTHER~~
32 ~~EVALUATION, PROVIDE TO THE PARENT OR GUARDIAN OF THE CHILD A REFERRAL~~
33 ~~TO AN APPROPRIATE PROGRAM.~~

1 **(A) THIS SECTION APPLIES TO CHILD CARE CENTERS THAT ARE REQUIRED**
2 **TO BE LICENSED OR HOLD A LETTER OF COMPLIANCE UNDER THIS SUBTITLE.**

3 **(B) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL ESTABLISH**
4 **GUIDELINES FOR EARLY CHILDHOOD DEVELOPMENTAL SCREENINGS FOR**
5 **CHILDREN UNDER THE AGE OF 3 YEARS TO BE USED BY CHILD CARE CENTERS TO:**

6 **(1) ASSESS A CHILD'S PROGRESS THROUGH FOUNDATIONAL EARLY**
7 **CHILDHOOD DEVELOPMENT MILESTONES; AND**

8 **(2) SCREEN FOR POTENTIAL DISABILITIES.**

9 **(C) (1) BEGINNING JULY 1, 2021, EACH CHILD CARE CENTER SHALL**
10 **OFFER THE PARENT OR GUARDIAN OF EACH CHILD UNDER THE AGE OF 3 YEARS WHO**
11 **ENTERS CARE AT THE CENTER TO EVALUATE THE CHILD USING THE GUIDELINES**
12 **DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.**

13 **(2) IF A PARENT OR GUARDIAN ACCEPTS THE OFFER FOR THE CHILD**
14 **TO BE EVALUATED, AN EMPLOYEE OF THE CHILD CARE CENTER SHALL SHARE THE**
15 **RESULTS OF THE EVALUATION WITH THE PARENT OR GUARDIAN.**

16 **(3) AN EMPLOYEE OF THE CHILD CARE CENTER SHALL MAKE THE**
17 **FOLLOWING INFORMATION AVAILABLE TO THE PARENT OR GUARDIAN OF EACH**
18 **CHILD UNDER THE AGE OF 3 YEARS AT THE CENTER:**

19 **(I) INFORMATION ABOUT THE MARYLAND INFANTS AND**
20 **TODDLERS PROGRAM; AND**

21 **(II) CONTACT INFORMATION FOR THE LOCAL LEAD AGENCY**
22 **RESPONSIBLE FOR THE ADMINISTRATION OF THE MARYLAND INFANTS AND**
23 **TODDLERS PROGRAM.**

24 **(4) IF A PARENT OR GUARDIAN EXPRESSES INTEREST IN CONTACTING**
25 **THE LOCAL LEAD AGENCY FOR THE ADMINISTRATION OF THE MARYLAND INFANTS**
26 **AND TODDLERS PROGRAM, AN EMPLOYEE OF THE CHILD CARE CENTER SHALL**
27 **OFFER ASSISTANCE IN CONTACTING THE AGENCY, INCLUDING ARRANGING FOR A**
28 **REPRESENTATIVE OF THE AGENCY TO COME TO THE CENTER TO PROVIDE**
29 **ASSISTANCE TO THE CHILD.**

30 **(D) (1) EACH CHILD CARE CENTER SHALL OFFER THE EVALUATION AND**
31 **ASSISTANCE DESCRIBED IN SUBSECTION (C) OF THIS SECTION TO PARENTS AND**
32 **GUARDIANS AT LEAST TWO TIMES EACH YEAR.**

1 **(2) A CHILD CARE CENTER MAY MEET THE REQUIREMENTS OF THIS**
 2 **SUBSECTION BY COMMUNICATING THE EXISTENCE OF THE EVALUATION AND**
 3 **ASSISTANCE DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION IN PLAIN**
 4 **LANGUAGE IN A MANNER THAT A PARENT OR GUARDIAN IS LIKELY TO SEE.**

5 **(E) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**
 6 **WHO OFFERS AN EVALUATION UNDER THIS SECTION IN GOOD FAITH TO A CHILD IN**
 7 **ACCORDANCE WITH THE DEPARTMENT’S GUIDELINES IS IMMUNE FROM CIVIL**
 8 **LIABILITY.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 10 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.