



Karen B. Salmon, Ph.D.
State Superintendent of Schools

March 29, 2021

Moira R. Cyphers
Partner, Compass Government Relations Partners
48 Maryland Ave
Suite 4th Floor
Annapolis, MD 21401

RE: Licensure Requirements for Boys and Girls Clubs of Maryland

Dear Ms. Cyphers,

The Boys and Girls Clubs of America are required to hold a child care license only if the programs offer child care services. Child care is defined in COMAR 13A.16.01.02 (B)(14) (a) as the care or supervision of a child when the child's parent has given the child's care over to another for some portion of a 24-hour day as a supplement to the parent's primary care of the child. However, child care is not a before-school or after-school activity conducted or sponsored by a public or nonpublic school that is approved or exempt from approval by the Maryland State Department of Education. Scouting, sports, or youth club activities are not considered child care. COMAR 13A.02(B)(14)(b)(i)&(ii). Custodial supervision means parentally authorized oversight of a child by an individual other than the child's parent or guardian. Custodial supervision includes responsibility for: (i) The well-being and the whereabouts of the child for a given period of time; and (ii) Direct transfer of the custody of the child from and to an authorized person. COMAR 13A.16.01.02 (B)(20).

Over the past year, we have helped many youth-serving organizations successfully complete the process of securing a license to provide child care services. We would be happy to provide any technical assistance needed for other clubs or chapters of your organization needing support.

The Boys and Girls Clubs traditionally operate during the school year as after-school activity facilities which include specialized club activities for youth. **When operating solely in that manner, licensure is not required.** See COMAR 13A.14.01.02 B (14) (b). In determining whether a program requires licensure, the OCC evaluates the program's primary purpose and to further determine whether that primary purpose is "custodial supervision". Like with child care, custodial supervision does not include the oversight of a child who is participating in a specific activity, such as scouting, sports, or youth clubs. COMAR 13A.16.01.02 (B)(20)(c).

I wanted to make you aware that it is our intention to continue to support the Boys and Girls Clubs in operating under their approved exempt specialized club status, as they did prior to the current state of emergency, when they offer only specialized club activities for youth. We are happy to work with the Boys and Girls Clubs in meeting the needs of their communities. Please let me know if you have any questions. You may contact me at steven.hicks@maryland.gov.

Best Regards,

Steven R. Hicks
Assistant State Superintendent
Division of Early Childhood