

# *Child Care Regulations in Maryland*

## **Overview**

A summary of child care regulations in Maryland.

- Types of care that must be licensed
- Types of care that may operate without a license
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Maryland, the Department of Human Resources, Child Care Administration (CCA), licenses child care centers, school-age programs, private nursery schools, and family child care homes.

Nursery schools and private kindergartens are certified by the Department of Education. Nursery schools must meet Department of Education requirements and be licensed as well. Licensed programs that are also certified by the Department of Education are permitted to meet less stringent staffing regulations for the “instructional” part of the day. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Maryland. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

## **Types of care that must be licensed**

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Maryland Department of Human Resources, CCA, is the state agency that is responsible for all child care licensing and regulation. These responsibilities include issuing new licenses, inspecting for compliance with licensing regulations, providing technical assistance, and suspending or revoking licenses when necessary.

In Maryland, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for more than eight children. In Maryland, this includes nursery schools, preschools, and prekindergartens.
- *Family child care homes.* Full- or part-time care in a residence for up to eight children, including the provider's own children under age 6.

More detailed information about child care centers and family child care homes can be found later in this guide.

### **Types of care that may operate without a license**

Some types of child care are not required to be licensed by the state. There are no agencies investigating or monitoring these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Maryland, the following forms of child care are exempt from licensing:

- Care provided in the child's own home or by relatives
- Kindergartens during hours of instruction
- After-school programs devoted solely to one or more structured educational or recreational activities, including programs operated by law enforcement agencies
- Nursery schools and child care centers operated by tax-exempt religious organizations are exempt from licensing standards pertaining to qualifications for staff and requirements for the program of activities. Exempt centers are granted Letters of Compliance that verify that the program meets all health and safety requirements.

### **Age-group definitions**

- *Infant:* child between 6 weeks and 18 months
- *Toddler:* child between 18 months and 2 years
- *Preschooler:* child between 2 and 5 years; and not yet in kindergarten
- *School-age:* kindergarten and older

### **Subsidized child care**

The Purchase of Child Care (POC) Subsidy Program provides funds that are made available to eligible families through Maryland's local Departments of Social Services. Subsidized care is available for both centers and homes. Eligibility is based on income and need requirements.

For further information about program availability and how to qualify, contact your local county agency at [www.dbr.state.md.us/county.htm](http://www.dbr.state.md.us/county.htm) or the Department of Human Resources Constituent Unit at 800-332-6347, where they can direct you to the appropriate county number.

### **Whom to contact**

For more detailed information regarding child care regulations in Maryland, to obtain a copy of the state standards, or to report licensing violations, contact:

#### **Maryland Department of Education Division of Early Childhood Development**

Office of Child Care  
311 West Saratoga Street, 1st floor  
Baltimore, MD 21201-3521  
800-332-6347  
[www.dbr.state.md.us/cca](http://www.dbr.state.md.us/cca)  
E-mail: [dbrhelp@dbr.state.md.us](mailto:dbrhelp@dbr.state.md.us)

You may also view the most current regulations on the Division of State Documents Web site at [www.dsd.state.md.us](http://www.dsd.state.md.us). Click on COMAR Online (Code of Maryland Regulations) documents 07.04.01, 01.04.02, and 07.04.05.

### **Child abuse reporting**

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, contact the Department of Human Resources Constituent Unit at 800-332-6347, the local law enforcement agency, or your county office.

## *Child care centers*

### **Licenses**

- Must be licensed.
- License must be renewed annually.
- License must be posted in a visible location.
- License is nontransferable.
- Liability insurance is not required.

### **State inspection**

- Announced inspections are required at initial licensing and renewal.
- Unannounced inspections are made after a complaint.

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- Random, unannounced compliance inspections are conducted annually at 20 percent of all centers.

##### **Staff:child ratios**

- 6 weeks to 18 months: one staff for up to three children (1:3)
- 18 months to 2 years: one staff for up to three children (1:3)
- 2 years: one staff for up to six children (1:6)
- 3 to 4 years: one staff for up to 10 children (1:10)
- 5+ years: one staff for up to 15 children (1:15)

In mixed-age groups with preschool children 3 years and older, one staff for up to 10 children (1:10).

##### **Capacity, enrollment, and attendance**

- Children younger than 6 weeks are not permitted in care.
- Children may not be in care for more than 14 hours in a 24-hour period.
- No more than six children 2 years old may participate in a mixed-age group of 13 to 20 children.
- Group sizes for all ages are permitted to vary during outdoor play, field trips, and assemblies, but ratios must be maintained at all times.

##### **Staff qualifications**

###### **Director**

- Must be at least 21 years old
- Must be present at least half the time the center is open to plan; supervise; and be available to staff, parents, and children
- Must have 90 hours of college-level training in early childhood education or a Child Development Associate (CDA) credential
- Must meet one of the following criteria (these following are dismissed if personnel were in place prior to December 31, 1991):
  - For preschool centers with 20 or fewer children: One year of experience in a preschool center or similar setting or two years as a family child care provider.
  - For preschool centers with 21 to 40 children: 60 hours of college credit plus two years of experience in a preschool center or four years of experience in a family child care setting.
  - For preschool centers with 40 children or more: An associate's degree in early childhood education or a bachelor's degree in any field plus two years of

experience in a preschool center or four years of experience in a family child care setting.

- For any size center: One year working under supervision with preschoolers in a licensed center or similar setting, or 2 years as a family care provider, and approval of State Department of Education as a teacher under COMAR for Early Childhood Education and 6 semester hours in Early Childhood Education or certification by the State Department of Education for Early Childhood Education.
- For school-age centers with fewer than 60 children: 400 hours of experience working primarily with school-age children or one year of experience in a family child care setting.
- For school-age centers with 61 children or more: 800 hours of experience working primarily with school-age children or in a recreations and park program, or two years of experience in a family child care setting.
- For school-age centers in general: If approved as a teacher under COMAR for kindergarten through the eighth grade or certified by the State Department of Education for kindergarten through the eighth grade.
- For combined preschool and school-age centers: An approved preschool director may oversee a center that enrolls both preschoolers and school-age children.
- For combined preschool and school-age centers: An approved school-age director may only oversee a center that does not enroll infants or toddlers and enrolls five or fewer children younger than kindergarten age.
- For combined preschool and school-age centers: When infants, toddlers, or more than five children younger than kindergarten age are enrolled, the director must meet the requirements of both preschool and school-age center directors.

**Group leader**

- Must be at least 19 years old
- Must have a high school diploma or the equivalent of three semester hours of pre-employment training
- Must be an approved or a certified teacher, and have 400 hours of experience or one year of college

**Assistant group leader**

- Must be at least 18 years old
- Must have either a high school diploma/general equivalency diploma (GED) or 800 hours approved paid or voluntary experience working with school-age

children or a combination of approved experience and approved college coursework

**Senior staff**

- Must be at least 19 years old
- Must have a high school diploma and 90 hours or 16 semesters of college-level training in early childhood education, or a CDA credential and either one year of experience or one year of college education, and either one year of supervision with preschoolers in a center or similar setting or one year as a family care provider or one year of college, or any combination thereof

**Aide**

- Must be at least 16 years old
- Must be supervised

**Substitute**

- Must be at least 16 years old for a substitute aide, and 18 years old for all other substitute positions
- Must meet the same qualifications as regular staff if used for more than two consecutive weeks

**Staff training**

- All staff must attend orientation.
- Director must have six hours of continued training annually.
- Group leaders and senior staff must have three hours of continued training annually.
- No special training is required for special needs, mildly ill, or drop-in child care.

**CPR and first aid**

- One staff for every 20 children must have successfully completed an American Red Cross first-aid course and an American Heart Association CPR course appropriate for all ages served.

**Staff medical requirements**

- Must have proof that staff are in good physical and mental health, including physical exam within six months prior to employment.
- TB tests are required.
- Immunizations for measles; hepatitis B immunization is not required.
- Testing for AIDS, drugs, and alcohol is not required.

**Staff background checks**

- Must have federal and state criminal record checks
- Must be fingerprinted

**Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.

**Parents' rights**

- Must have free access to the child and all parts of the center used for care, without prior appointment
- Must receive a copy of consumer education pamphlet
- Must be notified of a serious injury immediately
- Must be notified of a nonserious injury on the same day it occurs

**Health and safety requirements**

- Must have a fire extinguisher and smoke detectors.
- Must have written permission stating to whom the child may be released.
- Must hold monthly fire drills.
- Firearms are not permitted on premises.
- Must have a written emergency plan.
- Must have a working land-line phone.
- Must post emergency phone numbers by the phone.
- Emergency information must be immediately accessible from each phone.
- Electrical outlets must be covered if children younger than 5 years old are present.
- Potentially hazardous materials must be stored in area inaccessible to children.
- Must comply with local zoning ordinances.
- Must post a list of daily activities.
- Children must be constantly supervised in swimming pools four feet deep or less.
- One person trained in lifesaving must be present at swimming pools that are more than four feet deep.
- Must meet local health, sanitation, and safety standards.

- Must comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture.
- Smoking is prohibited at all times in any indoor area, and during hours of operation in any outdoor area approved for child care use.
- Must report any suspected child abuse.
- Must have emergency forms on file for each child.
- Must immediately report to the health officer any child or staff member who appears to be, or has been infected by, or who has been exposed to a communicable disease.
- Must make parents aware of any communicable diseases.

#### **Child medical requirements**

- Physical exam is required, including TB test and age-appropriate immunizations.
- Parental statement of child's health required.
- Children between 2 and 59 months old must be immunized for hepatitis B.
- Screening for blood lead levels for children under 6 years is required within 30 days of admission.
- Must have written parental permission in order to administer medication.
- Parent must have a signed statement if objecting to immunizations or medical exams because of religious beliefs.

#### **Care for sick children**

- Children are excluded when they have symptoms of acute illness or during the period of exclusion for a communicable disease, unless the center has a license to offer care to children with acute illnesses.
- Sick care centers must have an on-call health consultant.
- Must have written plans of care and procedures for reassessment.
- Staff must be trained in communicable diseases.
- Director will have 40 hours of training in a college credit courses of communicable diseases.

### *Family child care homes*

#### **Licenses**

- Must be registered and renewed every two years.

- License must be conspicuously posted in the home.
- Liability insurance is required if the home is covered by a homeowner's or condominium association insurance policy.
- License may not be transferable to another individual or residence.

#### **State inspection**

- Announced inspections occur at initial licensing and at least every two years at renewal.
- Unannounced inspections are conducted during years in which inspections do not occur and after a complaint.

#### **Staff:child ratios**

- One adult for every two children under the age of 24 months with an additional adult if more than two children are under 24 months

#### **Maximum group size**

- A maximum of eight children, of which not more than four can be younger than 24 months

#### **Staff qualifications**

##### **Provider**

- Must be at least 18 years old
- Must attend orientation session on regulations

##### **Substitute**

- Must be at least 18 years old
- Must have at least one designated substitute
- May not work more than 20 days per year if working for more than two hours per day unless permission is received from the state
- Must meet all prescreening requirements

##### **Provider training**

- Within two years prior to initial registration, must have eight hours of approved training in child development, age-appropriate activities, operation of a family child care home, or other topics associated with responsibilities, and two clock hours related to child health issues
- Must have 12 hours on the above topics every two years at renewal

- Must complete an approved sudden infant death syndrome (SIDS) training class if caring for children younger than 24 months old; SIDS training does not count toward continuing training requirements

#### **CPR and first aid**

- CPR and first-aid courses may not be used to satisfy the staff training requirement.
- All providers must be currently certified in approved CPR and first aid appropriate to each age group in care.

#### **Provider medical requirements**

- Provider must submit current medical evaluation within the 12 months prior to initial licensing and renewal.
- Household members must have a physical exam prior to initial licensing and on renewal if involved with children.
- No immunization requirements.
- TB tests are needed if required by local health official.

#### **Staff background checks**

- Staff 14 years and older and household members 18 years and older must have federal and state criminal checks, and adult and child abuse checks.
- Must provide three written references.
- Drug and alcohol tests are not required.

#### **Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.

#### **Parents' rights**

- May visit and observe at any time when the program is operating
- Must be notified when a substitute is providing care for more than two hours at one time
- Must be informed if anyone in the home smokes
- Must receive a copy of the consumer education pamphlet
- Must be notified of serious injury immediately
- Must be notified of a nonserious injury on the same day it occurs

#### **Health and safety requirements**

- Must meet local health, sanitation, and safety standards.

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- May release children only to the parent or the person designated by the parent.
- Must have a written emergency plan.
- Must have a working phone.
- Must post emergency phone numbers by the phone.
- Must hold fire drills at least monthly.
- Must have a fire extinguisher and first-aid kit.
- Electrical outlets must be covered if children younger than 5 years old are present.
- Potentially hazardous materials, including firearms, must be stored in an area inaccessible to children.
- Must comply with local zoning ordinances.
- Children must be constantly supervised in swimming pools 4 feet deep or less, and if pool exceeds 4 feet deep, there must be a person 16 years or older with a lifesaving certification.
- Smoking and alcohol consumption is prohibited during hours of operation.
- Must have emergency forms on file for each child.
- Must immediately report to the health officer any child or staff member who appears to have, has been infected by, or has been exposed to a communicable disease.
- Must make parents aware of any communicable diseases.
- Sleeping infants under 12 months must be visually observed every 15 minutes.

### **Transportation**

- Must have written permission to transport child
- Must follow state guidelines for child safety equipment

### **Child medical requirements**

- Children must have age-appropriate immunizations.
- Children under 6 years old must be screened for blood lead levels within 30 days after admission.
- Provider must have written permission to administer medications.
- Parent must provide a signed statement if objecting to immunizations and or medical exams because of religious beliefs.

**Care for sick children**

- Children are excluded when they have symptoms of acute illness such as vomiting, fever, seizures, severe pain, or diarrhea, or during the period of exclusion for a communicable disease, as recommended by the state health department.
- There is no allowance (licensure) for sick child care at family child care homes, as there is at child care center.