

Child Care Center Licensing Manual

(August 2016)

for use with

COMAR 13A.16 Child Care Centers

(as amended effective 7/20/15)

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.01 Minimum Staff Age.

A staff member in a child care center may not be younger than 16 years old.

INTENT: A minimum age of 16 is established to help ensure that a staff member will be mature enough to handle the responsibilities associated with caring for children who are enrolled in the child care center. In addition, to facilitate child supervision in a school-age program, each staff member must be older than the oldest child typically in care.

INSPECTION REPORT ITEM: “Minimum Staff Age”

COMPLIANCE CRITERIA: Each staff member is at least 16 years old.

ASSESSMENT METHOD: Review the facility’s current Employment Record to determine current employees to determine if each staff member is at least 16-years-old. Request operator to produce documentation of the age of staff members.

Documentation may be any of the following:

- Driver’s license;
- Birth certificate;
- Age of majority card;
- College transcript; or
- Other government-issued document (e.g., passport, naturalization papers, green card, etc.)

.02 Staff Orientation.

On or before assignment, an operator shall document that each employee and staff member has been informed in writing about all areas pertinent to the health and safety of the children, including:

- A. **The location of the telephone and emergency telephone numbers;**
- B. **The location of each child's emergency form;**
- C. **Emergency evacuation procedures;**
- D. **Identity of the staff members who have first aid and CPR training;**
- E. **Identity of the staff members and other adults who are required to be available to provide emergency coverage pursuant to COMAR 13A.16.08.02D(3);**
- F. **Hand washing procedures;**
- G. **The center's child discipline policy;**
- H. **The requirements and procedures for reporting suspected child abuse and neglect, according to Family Law Article, §§5-704—5-705, Annotated Code of Maryland;**
- I. **Signs and symptoms of abuse and neglect in children;**
- J. **The content of the most current regulations in this subtitle; and**
- K. **The community resources available to the family of a child who may have special needs.**

***INTENT:** In order for staff members to be knowledgeable about facility requirements and procedures pertaining to child health and safety, including child abuse and neglect reporting and child care center licensing requirements, the center must provide written information, as specified in A.- K. of this regulation, to each staff member before the staff member begins his or her work assignment.*

***INSPECTION REPORT ITEM:** “Staff Orientation”*

***COMPLIANCE CRITERIA:** No later than the person’s actual start date at the center, each new employee or staff member receives all required child health and safety information in writing.*

***ASSESSMENT METHOD:** Review the facility’s records for documentation indicating that each new employee and staff member received the required written information and when it was provided.*

.03 Suitability for Employment.

- A. **A child care center operator may not employ an individual who, as reported on or after October 1, 2005, has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:**
- (1) **A crime involving:**
 - (a) **A child;**
 - (b) **Cruelty to animals;**
 - (c) **Domestic violence; or**
 - (d) **A weapons or firearms violation of federal or state laws;**
 - (2) **A sex offense;**
 - (3) **A violent crime classified as a felony;**
 - (4) **Abduction or kidnapping;**
 - (5) **Abuse of a child or an adult;**
 - (6) **Confinement of an unattended child;**
 - (7) **Manufacturing, distributing, or dispensing a controlled dangerous substance;**
 - (8) **Perjury;**
 - (9) **Pornography;**
 - (10) **Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; or**
 - (11) **Reckless endangerment.**

***INTENT:** By their very nature, certain criminal offenses involve acts that obviously carry extreme risks for children. An operator is absolutely forbidden to hire, or continue to employ, any person with a criminal history that includes any of the above-referenced offenses.*

***INSPECTION REPORT ITEM:** “Suitability for Employment”*

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COMPLIANCE CRITERIA: *The center does not employ any person for whom a criminal background check (CBC) report issued on or after October 1, 2005 reveals a pending charge for, or adjudication on any of the listed offenses.*

ASSESSMENT METHOD: *Review the center's Employment Record/Personnel List in conjunction with OCC's copies of CBC reports received since October 1, 2005 to determine if any individual listed has been charged with, or adjudicated (i.e., been convicted, received a probation before judgment, etc.) for one of the enumerated offenses. Initial CBC requests for employee and subsequent "alerts" are used to determine employability.*

Note: See ***"Guidance – Suitability for Employment Process" and "Verifying Staff Employment During Unannounced Inspections"***.

- B. If, as reported on or after October 1, 2005, an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included in §A of this regulation, the office:**
- (1) Shall assess, on the basis of the following factors, the individual's suitability for employment:**
 - (a) The job position at the center for which the individual is applying or in which the individual is currently employed;**
 - (b) The nature and seriousness of the incident, crime, or offense;**
 - (c) How long ago the incident, crime, or offense occurred;**
 - (d) The age of the individual at the time the incident, crime, or offense occurred;**
 - (e) The individual's probation or parole status, if applicable; and**
 - (f) Any other information the office considers pertinent; and**
 - (2) Depending on the results of the assessment, shall permit or prohibit employment of the individual.**

INTENT: *If a center employee (or employment applicant) has a Child Protective Services (CPS) history of indicated child abuse or neglect or a criminal history that includes certain offenses other than those listed under §A of this regulation, the agency will evaluate that information to determine the person's suitability to work in a child care environment. Based on the results of that evaluation, the agency may find that person to be unsuitable for child care center employment and direct the program operator to deny or terminate the person's employment.*

INSPECTION REPORT ITEM: *"Suitability for Employment"*

COMPLIANCE CRITERIA: *For any center employee or employment applicant who has a Child Protection Services history of indicated child abuse or neglect or a criminal history that includes certain offenses other than those listed under §A of this*

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regulation, such an individual's suitability to work in a child care environment has been evaluated.

If the evaluation by the agency has resulted in a finding of unsuitability for child care program employment, the center has terminated or denied employment of that individual.

ASSESSMENT METHOD: *Review the center's Employment Record to determine if the requirements of this regulation have been met.*

Note: *For a complete listing of the crimes and offenses that may disqualify an individual from employment in a child care center, see "**CJIS List of Offenses – COMAR 12.15.02.07**".*

C. Request for Reassessment.

- (1) **An individual who is prohibited from employment by the office pursuant to §B of this regulation may request the office to conduct a reassessment with respect to the incident, crime, or offense.**
- (2) **For a reassessment request to be eligible for consideration:**
 - (a) **The request shall be in writing and shall include documentation, such as but not limited to letters of support or evaluation reports, pertinent to the incident, crime, or offense; and**
 - (b) **The individual may not have submitted a reassessment request, whether for the same or a different job position, within the previous 12 months.**
- (3) **In order to reach a decision on the request, the office may request additional information from the individual, the center operator, or any agency or entity cited by the individual or the operator in connection with the reassessment request.**
- (4) **Upon reaching a decision on the request, the office shall promptly notify the individual of that decision.**
- (5) **The center operator may not permit the individual to begin or to resume employment until the office has notified the operator that the individual may be employed.**

INTENT: *Any person evaluated by OCC as unsuitable for employment may ask for a reconsideration of that evaluation. The agency will agree to conduct a re-evaluation if the request is in writing and includes pertinent documentation explaining why the finding of unsuitability by OCC should be changed, and if OCC has not received a similar request from the person within the past year. As soon as the re-evaluation has been completed, the agency shall notify the person and the center operator of its outcome. If the outcome is favorable to the person, the operator may not allow the person to begin working before receiving permission from OCC to do so.*

D. Notification of Employment Prohibition.

- (1) **If the office, pursuant to this chapter, determines that an individual may not be employed at a center, the office shall notify the individual and the center operator in writing of that decision and its basis.**
- (2) **The written notification to the individual shall also:**
 - (a) **State that the individual may appeal the decision to the Office of Administrative Hearings (OAH); and**
 - (b) **Specify the requirements for submitting an appeal to the OAH.**

INTENT: If OCC denies employment on the basis of unsuitability, the agency shall notify the person and the center operator in writing of that decision and the reason for it. The notification to the person shall also include information concerning the person's right to appeal the decision.

E. Upon notification that an individual may not be employed, the center operator:

- (1) **Shall promptly terminate the individual from employment or from consideration for employment, as applicable; and**
- (2) **Unless the individual appeals the decision to the OAH and the appeal is concluded in favor of the individual, may not:**
 - (a) **Reconsider the individual for employment;**
 - (b) **Permit the individual to have any contact with an unrelated child in care; or**
 - (c) **Allow the individual on the premises of the facility except to exercise parental responsibilities with respect to a related child in care.**

INTENT: If OCC directs an operator to deny or terminate a person's employment for reasons of unsuitability, the operator must comply immediately. Unless the person appeals OCC's action and the action is overturned, the operator may not attempt to re-hire the person or, unless the person is a parent of a child in care, allow the person to be on the center's premises.

INSPECTION REPORT ITEM: "Suitability for Employment"

COMPLIANCE CRITERIA: Unless OCC's employment prohibition has been overturned on appeal, the center does not:

- *Employ any person whose employment has been prohibited by OCC, or*
- *Permit the person on the center's premises except as the parent of a child in care.*

ASSESSMENT METHOD: *If a person should have been terminated from, or denied employment at the center, review the center's current Employment Record to determine if the person's name appears in the record. Interview the Director to determine if there is any other documentation (for example, a denial of employment application letter or a notice of termination) verifying that the person has been terminated from, or denied employment.*

- F. **An operator may not allow an individual to serve, or to continue to serve, in a child care position for which the individual does not meet the employment qualification or training requirements set forth at Regulations .05—.12, as applicable, of this chapter, unless the individual is a substitute functioning in accordance with Regulation .13 of this chapter.**

INTENT: Center staff must meet employment qualifications and training requirements specified in these regulations in order to hold specific positions and be responsible in whole or in part for the care of enrollees. If an individual does not hold the qualifications and the trainings required by these regulations as specified in §§.05 - .12 of this Chapter, as applicable, such an individual may not be permitted to hold either of those child care positions. Such an individual; however, may serve in the capacity of a substitute if the individual meets the requirements set forth in §.13 of this Chapter.

INSPECTION REPORT ITEM: “Suitability for Employment”

COMPLIANCE CRITERIA:

- Any staff member who does not meet the qualifications and trainings specified in §§.05 - .12 of this Chapter, as applicable, has not been assigned to or does not serve in one of the positions which require specific qualifications and trainings.
- A staff member with responsibility for care of children, who does not meet the qualifications and trainings required by these regulations, serves as a substitute pursuant to § .13 of this Chapter.

ASSESSMENT METHOD: Review the qualifications and trainings of center staff to determine if they meet the requirements for the positions held.

.04 Staff Health.

A. Medical Evaluation.

- (1) **An operator shall obtain a medical evaluation, including a tuberculosis screen, if indicated, on a form supplied or approved by the office, that has been completed within 6 months before the individual begins work in the center, from each prospective:**
 - (a) **Staff member; and**
 - (b) **Except for a health care professional serving as a consultant pursuant to Regulation .14C of this chapter, support staff who will be present at the center while children are in care.**
- (2) **The medical evaluation may transfer directly from one center to another when there has been no gap in employment longer than 3 months.**

INTENT: A center employee must be free of any communicable disease that would prohibit the person from working in a child care program. Staff who work with children must be able to participate fully in a program for active youngsters. This

might include lifting infants and young children, getting up and down from the floor, lively outdoor activities, and moving furniture. It may also include transporting children in a motor vehicle. Therefore, the person must be evaluated for any physical condition that might adversely affect his or her job performance.

INSPECTION REPORT ITEM: "Staff Health"

COMPLIANCE CRITERIA:

- For each center employee whose job duties require the person to be present when children are in attendance, there is a medical evaluation on file that was completed no more than 6 months before the person began working at the center.
- The medical evaluation is documented on a "**Medical Report for Child Care**", **OCC 1204** form, or on a similar form that has been approved by the Regional Office.

ASSESSMENT METHOD: Review employee records on file at the center to determine if the required medical evaluations are present for each employee and determine if these evaluations were completed within 6 months before the employee began work in the center.

- B. Exclusion from Work. Except with the approval of the office and the health officer, an operator may not permit an individual with a serious transmissible infection or communicable disease listed on a chart supplied by the office to work at a center during the period of exclusion from child care recommended on the chart for that infection or disease.**

INTENT: Children in care must be protected from exposure to certain infectious and communicable diseases identified by the Maryland Department of Health and Mental Hygiene (DHMH). A center employee who has such a disease and is in its communicable stage may not be permitted to work at the center.

INSPECTION REPORT ITEM: "Staff Health"

COMPLIANCE CRITERIA: An employee who has a disease listed in the current **DHMH "Communicable Diseases Summary"** chart, is kept away from work for the period of time stated in that chart.

ASSESSMENT METHOD: Interview the Director and other facility staff as necessary to determine if:

- The center maintains a copy of the current **DHMH "Communicable Diseases Summary"** chart, and
- The center's policy on staff with infectious and communicable diseases is consistent with the exclusion guidelines stated in the "Communicable Diseases Summary" chart.

.05 Directors of All Child Care Centers—General Requirements.

- A. **Except when engaged in occasional center-related activities or away on leave, a director shall be present in a center during at least 1/2 of the operating hours of the center each week to:**
- (1) Plan and supervise all aspects of the program for children;**
 - (2) Supervise the staff; and**
 - (3) Be available to staff, parents, and children.**

INTENT: The Director is the person designated as responsible for all center operations, staff, and children in care on a regular day-to-day basis. In this capacity, the Director must be on-site during at least half of the center's operating hours in order to exercise adequate oversight and respond to operational issues.

INSPECTION REPORT ITEM: "Directors of all Child Care Centers"

COMPLIANCE CRITERIA: Except when scheduled to be absent for center-related activities or personal reasons, the Director is present for at least half of the center's weekly operating hours.

ASSESSMENT METHOD: Interview the Director and other center staff as necessary to determine the amount of time the Director spends at the facility each week.

- B. **To qualify as a director of a center, an individual shall:**
- (1) Be at least 21 years old;**
 - (2) Hold a high school diploma or a certificate of high school equivalence, or have successfully completed at least two courses for credit from an accredited college or university;**
 - (3) Have successfully completed:**
 - (a) 9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit;**
 - (b) 3 semester hours or their equivalent of approved administrative training, unless approved as a school age center director in a center authorized to serve only school-age children; and**
 - (c) Effective January 1, 2016, 3 clock hours of approved training in complying with the Americans with Disabilities Act;**
 - (4) Have successfully completed 6 semester hours or 90 clock hours, or their equivalent, of approved preservice training, or hold the Child Development Associate National Credential that is issued by the Council for Professional Recognition; and**
 - (5) Within 6 months after date of hire, complete a regulation training to the requirements of this subtitle that is conducted by the office, if hired on or after January 1, 2009.**

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INTENT: *A center Director must have sufficient maturity, education, training, and experience to plan and administer a child care program, supervise center personnel, and respond appropriately to a range of operational issues.*

INSPECTION REPORT ITEMS: *“Directors of All Child Care Centers”*

COMPLIANCE CRITERIA:

The Director:

- *Meets the age and education requirements for the position.*
- *If hired on or after January 1, 2009, has completed training on the child care center licensing regulations within 6 months after date of hire.*

ASSESSMENT METHOD:

- *Review the facility’s licensing record to determine if the Director meets the minimum qualifications.*
- *Verify age information by checking it against the Director’s:*
 - *Driver’s license;*
 - *Birth certificate;*
 - *Age of majority card;*
 - *College transcript; or*
 - *Other government-issued document (e.g., passport, naturalization papers, green card, etc.)*
- *Review the facility’s licensing records to determine if the Director has completed regulation training as required.*

Notes:

- *For detailed information about Director Qualifications and how to determine whether an individual meets those qualifications, see **“Maryland Child Care Center – Preschool Director Requirements/School-Age Director Requirements”** chart.*
- *The Regional Office may approve an operator’s request for a variance of the Director qualifications under certain circumstances if certain factors are present that comply with the intent of the regulation. See **OCC form 1213, “Variance Request”**.*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

C. A director shall:

- (1) **According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a director, that consists of a:**
 - (a) **Minimum of 6 clock hours of core of knowledge training; and**
 - (b) **Maximum of 6 clock hours of elective training; and**
- (2) **Document completion of the continued training on the professional development plan.**

INTENT: A center Director must have sufficient continued training to keep abreast with current early childhood issues.

INSPECTION REPORT ITEM: "Director – Continued Training"

COMPLIANCE CRITERIA: The Director completes at least 12 clock hours of approved continued training during each full year of employment.

ASSESSMENT METHOD: Review the Director's completed Professional Development Plan with attached documentation of trainings completed to determine if the Director has completed continued training as required during the previous full year of employment.

Notes:

- *This regulation is met if the individual participates in the OCC Credentialing Program and has a current certificate noting achievement at Level 2 or above. Check the expiration date on the credential certificate. If expired, the individual must produce evidence of 12 hours of continued training.*
- *If individual states that the certificate is not expired, check with the Credentialing Branch for verification. See "**Checking Staff Continued Training in Child Care Centers Guidelines**".*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

.06 Directors of Preschool Centers—Specific Requirements.

- A. **In a preschool center with infants or toddlers in care, a director, in addition to meeting the requirements of §§B—D of this regulation, as applicable, shall have: 3 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; and Effective January 1, 2016, approved training in supporting breastfeeding practices.**

INTENT: A Director of a center approved to care for infants, must have specific training regarding the care of infants and toddlers.

INSPECTION REPORT ITEM: “Directors – Preschool Centers”

COMPLIANCE CRITERIA: The Director of a center that is approved to enroll infants and toddlers must meet the following requirements:

- The requirements of §B-D of this regulation; and,
- Complete at least 3 semester hours of approved training, or equivalent, related exclusively to the care of infants and toddlers.

ASSESSMENT METHOD:

- Review the facility’s licensing record to determine if the Director meets the minimum qualifications.
- Review the facility’s licensing record to determine if the Director has completed at least 3 semester hours of approved training, or equivalent, related exclusively to the care of infants and toddlers.

- B. In a preschool center with 20 or fewer children, a director shall have completed 1 year of experience:**
- (1) Working primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or
 - (2) Caring for preschoolers as a registered family child care provider.
- C. In a preschool center with 21 to 40 children, a director shall have completed:**
- (1) **Either:**
 - (a) 30 semester hours of college coursework that has not less than 20 semester hours specifically in early childhood education; or
 - (b) 60 semester hours from an accredited institution of higher learning; and
 - (2) **2 years of experience:**
 - (a) Working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or
 - (b) Caring for preschoolers as a registered family child care provider.
- D. In a preschool center with more than 40 children, a director shall have:**
- (1) **Attained:**
 - (a) An associate's degree with a minimum of 15 semester hours of approved course work in early childhood education; or
 - (b) A bachelor's degree in any field; and
 - (2) **Completed 2 years of experience:**
 - (a) Working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or

- (b) **Caring for preschoolers as a registered family child care provider.**
- E. **An individual is considered qualified as a director of any size preschool center when that individual:**
- (1) **Has completed 1 year of experience:**
 - (a) **Working primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting; or**
 - (b) **Caring for preschoolers as a registered family child care provider; and**
 - (2) **Has received either:**
 - (a) **Approval by the Department as a teacher for early childhood education, including nursery school through third grade, and has 6 semester hours in early childhood education; or**
 - (b) **Certification by the Department or by any other state for early childhood education, including nursery school through third grade.**

INTENT of §§ .06B. - E. above: A Director has a wide range of responsibilities, and these typically become more complex when there are more children in care. As the size of the center increases, more academic training and experience are required to help ensure that the Director has developed the necessary ability and skills to make sound judgments about the center's overall operation.

INSPECTION REPORT ITEM: "Directors – Preschool Centers"

COMPLIANCE CRITERIA: *The Director meets the qualification requirements of the size range that includes the center's maximum child capacity.*

ASSESSMENT METHOD: *Review the facility's licensing record to determine if the Director meets the applicable minimum qualifications.*

Notes:

- *OCC construes the phrase "or similar setting" (which appears under §§ B(1), C(2)(a), D(2)(a), and E(1)(a) of this regulation to mean a similar regulated or officially monitored setting.*
- *For detailed information about Director Qualifications and how to determine whether an individual meets those qualifications, see "**Maryland Child Care Center – Preschool Director Requirements/School-Age Director Requirements**" chart.*
- *The Regional Office may approve an operator's request for a variance of the Director qualifications under certain circumstances if certain factors are present that comply with the intent of the regulation. See **OCC form 1213, "Variance Request"**.*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment*

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training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.

- F. **If, as of July 1, 2008, an individual was currently employed at a preschool center for 20 or fewer, 21 to 40, or more than 40 children and qualified as the director of that center, the individual continues to be qualified as the director if continuously employed at the same or another center with the same or greater capacity limitations.**

.07 Directors of School Age Centers—Specific Requirements.

A. In a school age center with a capacity of 60 or fewer children, the director shall have completed at least:

- (1) 400 hours of experience working under supervision primarily with school age children in a licensed child care center, public or private school, or a similar setting; or**
- (2) 1 year of experience caring for school age children as a registered family child care provider.**

B. In a school age center with a capacity of 61 or more children, the director shall have completed at least:

- (1) 800 hours of experience working under supervision primarily with school age children in a licensed child care center, public or private school, or similar setting; or**
- (2) 2 years of experience caring for school age children as a registered family child care provider.**

C. An individual is considered qualified as a director of a school age center if the individual is certified for kindergarten, nursery school through third grade, or grades 1 through 8 by the Department or by the state board of any other state.

INTENT of §§.07 A.-C. above: A Director has a wide range of responsibilities, and these typically become more complex when there are more children in care. As the size of the center increases, more academic training and experience are required to help ensure that the Director has developed the necessary ability and skills to make sound judgments about the center's overall operation.

INSPECTION REPORT ITEM: "Directors – School Age Centers"

COMPLIANCE CRITERIA: *The Director meets the qualification requirements of the size range that includes the center's maximum child capacity.*

ASSESSMENT METHOD: *Review the facility's licensing record to determine if the Director meets the applicable minimum qualifications.*

Notes:

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- For detailed information about Director qualifications and how to determine whether an individual meets those qualifications, see **“Maryland Child Care Center – Preschool Director Requirements/School-Age Director Requirements”** chart.
- The Regional Office may approve an operator’s request for a variance of the Director qualifications under certain circumstances if certain factors are present that comply with the intent of the regulation. See **OCC form 1213, “Variance Request”**.
- The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.

D. If, as of July 1, 2008, an individual was currently employed at a center serving only school age children and qualified as the director of that center, the individual continues to be qualified as the director if continuously employed at the same or at another school age center.

.08 Specific Requirements for Directors in Combined Preschool and School Age Centers.

- A. A preschool center director may have responsibility for the entire center if the center enrolls both preschoolers and school age children.**
- B. A school age center director may have responsibility for the entire center if the center:**
 - (1) Does not enroll any infants or toddlers; and**
 - (2) Enrolls five or fewer children younger than kindergarten age.**
- C. If a school age center located in a public or nonpublic school enrolls more than five children younger than kindergarten age who are not enrolled in that school, the operator shall provide a director who meets the requirements, based on the total capacity of the center, for both a preschool center director and a school age center director.**

***INTENT:** In a center that serves both preschoolers and school age children, a Director who meets preschool training and experience requirements may administer the entire center because that individual has been prepared to address the developmental needs of an age group that needs greater support and direction.*

A school age center Director may administer the center if the predominant child enrollment is of school age and the center does not serve children under the age of two years. However, if preschoolers comprise a significant proportion of total enrollment, or if children less than two-years-old are enrolled, the Director of such a center must be qualified for both preschool and school age, based on the center’s overall capacity.

INSPECTION REPORT ITEM: “Directors – Combined Age Centers”

COMPLIANCE CRITERIA: *The Director meets the qualification requirements pertinent to the center’s age-group composition, based on the center’s total capacity.*

ASSESSMENT METHOD: *Review the facility’s licensing record to determine if the Director meets the applicable minimum qualifications.*

Notes:

- *For detailed information about Director qualifications and how to determine whether an individual meets those qualifications, see “**Maryland Child Care Center – Preschool Director Requirements/School-Age Director Requirements**” chart.*
- *The Regional Office may approve an operator’s request for a variance of the Director qualifications under certain circumstances if certain factors are present that comply with the intent of the regulation. See **OCC form 1213, “Variance Request”**.*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

.09 Child Care Teachers in Preschool Centers.

A. To qualify as a child care teacher in a preschool center, an individual shall be 19 years old or older, and meet one of the following criteria:

- (1) The individual holds or has successfully completed:**
 - (a) A high school diploma, a certificate of high school equivalence, or courses for credit from an accredited college or university;**
 - (b) 6 semester hours or 90 clock hours or their equivalent of approved pre-service training, or hold the Child Development Associate Credential issued by the Child Development Associate National Credentialing Program;**
 - (c) 9 clock hours of approved pre-service training in communicating with staff, parents, and the public, or at least one academic college course for credit;**
 - (d) Effective January 1, 2016, 3 clock hours of approved training in complying with the Americans with Disabilities Act; and**
 - (e) At least one of the following:**
 - (i) 1 year of experience working under supervision primarily with preschoolers in a licensed child care center, nursery school, church-operated school, or similar setting, or as a registered family child care provider caring for preschoolers; or**

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- (ii) **1 year of college, or a combination of experience and college that together are equivalent to 1 year;**
- (2) **The individual holds an associate's or higher degree with approved courses in early childhood education;**
- (3) **The individual qualified before July 1, 2008, as a child care teacher in a preschool center and has been continuously employed since that time at the same or another preschool center; or**
- (4) **The individual:**
 - (a) **Has been approved as a teacher by the Department for early childhood in nursery school through third grade; or**
 - (b) **Is certified by the Department or by any other state for early childhood in nursery school through third grade.**

***INTENT:** A child care teacher may have sole responsibility for supervising a group of children. That individual must have sufficient maturity, education, training, and experience to plan and administer activities for that group while attending constantly to the needs of each child in that group, as well as to the needs of the group as a whole.*

***INSPECTION REPORT ITEMS:** "Child Care Teachers – Preschool"*

***COMPLIANCE CRITERIA:** The preschool teacher meets the requirements established in §A(1), (2), (3) or (4) of this regulation.*

ASSESSMENT METHOD:

Review the facility's licensing record to determine if the preschool teachers meet the applicable minimum qualifications.

- *Verify age information by checking it against the teacher's:*
 - *Driver's license;*
 - *Birth certificate;*
 - *Age of majority card;*
 - *College transcript; or*
 - *Other government-issued document (e.g., passport, naturalization papers, green card, etc.)*

Notes:

- *For detailed information about Teacher qualifications and how to determine whether an individual meets those qualifications, see "**Maryland Child Care Center Staff Requirements**" chart.*
- *The Regional Office may approve an operator's request for a variance of the preschool teacher qualifications under certain circumstances if certain factors*

are present that comply with the intent of the regulation. See **OCC form 1213, "Variance Request"**.

- The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.

B. A child care teacher in a preschool center shall:

- (1) **According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a child care teacher, that consists of a:**
 - (a) **Minimum of 6 clock hours of core of knowledge training; and**
 - (b) **Maximum of 6 clock hours of elective training; and**
- (2) **Document completion of the continued training on the professional development plan.**

INTENT: A child care teacher must have sufficient continued training to keep abreast with current early childhood issues.

INSPECTION REPORT ITEM: "Preschool Teacher – Continued Training"

COMPLIANCE CRITERIA: The child care teacher completes at least 12 clock hours of approved continued training during each full year of employment.

ASSESSMENT METHOD: Review the teacher's completed Professional Development Plan with attached documentation of trainings completed to determine if the teacher has completed continued training as required during the previous full year of employment.

Notes:

- This regulation is met if the individual participates in the OCC Credentialing Program and has a current certificate noting achievement at Level 2 or above. Check the expiration date on the credential certificate. If expired, the individual must produce evidence of 12 hours of continued training.
- If individual states that the certificate is not expired, check with the Credentialing Branch for verification. See **"Checking Staff Continued Training in Child Care Centers Guidelines"**.
- The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also

responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.

C. A child care teacher wishing to supervise a group of infants or toddlers shall:

- (1) **Unless qualified by the office before July 1, 2008, to supervise a group of infants or toddlers:**
 - (a) **Meet the requirements of §A of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; or**
 - (b) **Meet the requirements of §A(1)(a), (c), and (d) of this regulation and have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of infants and toddlers; and**
- (2) **Effective January 1, 2016, have completed approved training in supporting breastfeeding practices.**

INTENT: A child care teacher who supervises a group of infants or toddlers must have sufficient maturity and have completed training related exclusively to the care of infants and toddlers.

INSPECTION REPORT ITEM: "Child Care Teachers – Preschool"

COMPLIANCE CRITERIA: The child care teacher who supervises a group of infants or toddlers meets the requirements of this regulation.

ASSESSMENT METHOD: Review the facility's licensing record to determine if the individual child care teacher who supervises infants and toddlers meets the requirements specified above.

.10 Child Care Teachers in School Age Centers.

A. To qualify as a child care teacher in a school age center, an individual shall:

- (1) **Be 19 years old or older;**
- (2) **Hold a high school diploma or a certificate of high school equivalence or have successfully completed courses for credit from an accredited college or university; and**
- (3) **Meet the one of the criteria set forth in §B of this regulation.**

B. The individual shall meet one of the following:

- (1) **The individual has successfully completed:**
 - (a) **6 semester hours or 90 clock hours or their equivalent of approved preservice training;**
 - (b) **9 clock hours of approved preservice training in communicating with staff, parents, and the public, or at least one academic college course for credit;**
 - (c) **Effective January 1, 2016, 3 clock hours of training in ADA compliance; and**
- (d) **One of the following:**

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- (i) **400 hours of experience working under supervision primarily with school age children in a licensed child care center, public or private school, or similar setting, or 400 hours of experience caring for school age children as a registered family child care provider;**
- (ii) **1 year of college; or**
- (iii) **A combination of experience and college that together are equivalent to 1 year;**
- (2) **The individual holds a bachelor’s degree in:**
 - (a) **Early childhood education, elementary education, special education, or child development; or**
 - (b) **Any academic subject and has 1,800 hours of experience working with school-age children in an approved setting.**
- (3) **The individual qualified before July 1, 2008, as a child care teacher in a school age center and has been continuously employed since that time as a child care teacher at the same or another school age center; or**
- (4) **The individual:**
 - (a) **Has been approved as a teacher by the State Department of Education under COMAR 13A.09.09 for kindergarten or grades 1 through 8; or**
 - (b) **Is certified by the Department or by the state board of any other state for kindergarten or grades 1 through 8.**

***INTENT:** A child care teacher in a school age center may have sole responsibility for supervising a group of children. That individual must have sufficient maturity, education, training, and experience to plan and administer activities for that group while attending constantly to the needs of each child in that group as well as to the needs of the group as a whole.*

***INSPECTION REPORT ITEM:** “Child Care Teachers – School Age”*

***COMPLIANCE CRITERIA:** The child care teacher in a school age center meets all qualifications for the position as specified in §§A and B of this regulation.*

***ASSESSMENT METHOD:** Review the facility’s licensing record to determine if the individual meets the minimum qualifications for the position of teacher in a school age center.*

- *Verify age information by checking it against the school age teacher’s:*
 - *Driver’s license;*
 - *Birth certificate;*
 - *Age of majority card;*
 - *College transcript; or*
 - *Other government-issued document (e.g., passport, naturalization papers, green card, etc.)*

Note: For detailed information about the qualifications for a teacher in a school age center and how to determine whether an individual meets those qualifications, see **“Maryland Child Care Center Staff Requirements”** chart.

C. A child care teacher in a school age center shall:

- (1) **According to the individual's professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of employment as a child care teacher, that consists of a:**
 - (a) **Minimum of 6 clock hours of core of knowledge training; and**
 - (b) **Maximum of 6 clock hours of elective training; and**
- (2) **Document completion of the continued training on the professional development plan.**

INTENT: A child care teacher in a school age center must have sufficient continued training to keep abreast with current child development and school age issues.

INSPECTION REPORT ITEM: “School Age Teacher – Continued Training”

COMPLIANCE CRITERIA: The school age teacher completes at least 12 clock hours of approved continued training during each full year of employment.

ASSESSMENT METHOD: Review the teacher’s completed Professional Development Plan with attached documentation of trainings completed to determine if the teacher has completed continued training as required during the previous full year of employment.

Notes:

- This regulation is met if the individual participates in the OCC Credentialing Program and has a current certificate noting achievement at Level 2 or above. Check the expiration date on the credential certificate. If expired, the individual must produce evidence of 12 hours of continued training.
- If individual states that the certificate is not expired, check with the Credentialing Branch for verification. See **“Checking Staff Continued Training in Child Care Centers Guidelines”**.
- The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.

.11 Assistant Child Care Teacher.

- A. To qualify as an assistant child care teacher in a school age center, an individual shall:**

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- (1) **Be 18 years old or older;**
 - (2) **Hold a high school diploma or a certificate of high school equivalence, or have successfully completed courses for credit from an accredited college or university;**
 - (3) **Have completed 9 clock hours of approved pre-service training in communicating with staff, parents, and the public, or have completed at least one academic college course for credit; and**
 - (4) **Have at least one of the following:**
 - (a) **800 hours of recent paid or documented volunteer experience supervising groups of school-age children in educational, recreational, social, or guidance contexts;**
 - (b) **600 hours of approved experience and 15 clock hours of approved college coursework; or**
 - (c) **400 hours of approved experience and 3 semester hours or 45 clock hours, or their equivalent, of approved college coursework.**
- B. An individual may substitute completion of 1 full year of undergraduate education at an accredited college or university for up to 400 hours of approved experience.**

INTENT: The Assistant Child Care Teacher category exists to provide school-age facilities with greater programming flexibility because it permits persons who may have extensive school-age experience, but not necessarily the approved training required of Child Care Teachers in a School Age Center, to lead activity groups under certain conditions.

INSPECTION REPORT ITEM: “Assistant Child Care Teachers”

COMPLIANCE CRITERIA: Each Assistant Child Care Teacher meets the minimum requirements specified in §§A and B of this regulation.

ASSESSMENT METHOD:

- *Review the facility’s licensing record to determine if the individual meets the minimum qualifications for the position of assistant teacher in a school age center.*
- *As necessary, review the facility’s Employment Record to determine whether the person has been qualified as an Assistant Child Care Teacher.*
- *Verify age information by checking it against the assistant teacher’s:*
 - *Driver’s license;*
 - *Birth certificate;*
 - *Age of majority card;*

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- College transcript; or
- Other government-issued document (e.g., passport, naturalization papers, green card, etc.)

Notes:

- For detailed information about Assistant Teacher qualifications and how to determine whether an individual meets those qualifications, see “**Maryland Child Care Center Staff Requirements**” chart.
- Apart from a minimal education requirement, the Assistant Child Care Teacher position does not necessarily require any qualification other than a specified amount of relevant experience; therefore, OCC will not grant a staff variance request pertaining to the Assistant Child Care Teacher position because there are no possible compensating factors.

C. An assistant child care teacher in a school age center shall:

- (1) **According to the individual's professional development plan, complete approved continued training, at the rate of at least 6 clock hours per full year of employment as an assistant child care teacher, that consists of a:**
 - (a) **Minimum of 3 clock hours of core of knowledge training; and**
 - (b) **Maximum of 3 clock hours of elective training; and**
- (2) **Document completion of the continued training on the professional development plan.**

INTENT: An assistant child care teacher must have sufficient continued training to keep abreast with current child development issues.

INSPECTION REPORT ITEM: “Assistant Teacher – Continued Training”

COMPLIANCE CRITERIA: The child care assistant teacher completes at least 6 clock hours of approved continued training during each full year of employment.

ASSESSMENT METHOD: Review the assistant teacher’s completed Professional Development Plan with attached documentation of trainings completed to determine if the assistant teacher has completed continued training as required during the previous full year of employment.

Notes:

- This regulation is met if the individual participates in the OCC Credentialing Program and has a current certificate noting achievement at Level 2 or above. Check the expiration date on the credential certificate. If expired, the individual must produce evidence of 12 hours of continued training.

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- *If individual states that the certificate is not expired, check with the Credentialing Branch for verification. See “**Checking Staff Continued Training in Child Care Centers Guidelines**”.*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

D. An assistant child care teacher may lead the activities of a group of school-age children if:

- (1) **The director, a child care teacher, or an approved director or child care teacher substitute is available to render immediate assistance to the assistant child care teacher; and**
- (2) **The staff/child ratio required by this chapter is maintained at all times.**

INTENT:

- *An Assistant Child Care Teacher may lead the activities of a group of up to 15 children by him- or herself inside or outside the child care facility.*
- *If the Assistant Child Care Teacher needs immediate assistance, the Director, a Child Care Teacher, or approved substitutes must be on the premises to render immediate assistance. Keep in mind that ‘immediate’ is relative to the nature of the assistance required.*

INSPECTION REPORT ITEM: “Assistant Child Care Teacher”

COMPLIANCE CRITERIA:

- *For each Assistant Child Care Teacher-led group, the assigned Child Care Teacher is immediately available to the Assistant Child Care Teacher.*
- *Each Assistant Child Care Teacher -led group is within the maximum 1:15 staff/child ratio for school age children.*

ASSESSMENT METHOD:

- *Check the facility staffing pattern to determine which Child Care Teacher is assigned to the Assistant Child Care Teacher -led group. Observe the location of the Child Care Teacher relative to that group.*
- *Observe the number of children in the Assistant Child Care Teacher -led group to determine compliance with the maximum school age staff/child ratio of 1:15.*

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- E. An individual who qualified before July 1, 2008, as an assistant child care teacher in a school age center and has been continuously employed since that time as an assistant child care teacher at the same or another school age center meets the requirements of this regulation.**

.12 Aides.

A. An aide shall:

- (1) Be 16 years old or older;**

INTENT: A minimum age helps ensure that an aide has reached a certain level of maturity.

INSPECTION REPORT ITEM: "Aides"

COMPLIANCE CRITERIA: Each aide is at least 16 years old.

ASSESSMENT METHOD:

- Review required facility documentation to ensure that it contains information about the age and/or birth date of an aide; and
- Verify that information by checking it against the aide's:
 - Driver's license;
 - Birth certificate;
 - Age of majority card;
 - College transcript; or
 - Other government-issued document (e.g., passport, naturalization papers, green card, etc.)

- (2) Work under the direct supervision of the staff person in charge of the group of children to whom the aide is assigned;**

INTENT: Because there are no education, training, or experience requirements for the aide position, an aide may not work independently with children but must instead work only under the direct supervision of a properly qualified staff member. There are, however, certain limited circumstances under which a supervised aide may assume temporary responsibility for a group of children (see "Notes" below).

INSPECTION REPORT ITEM: "Aides"

COMPLIANCE CRITERIA: Each aide is assigned so that he or she works only under the supervision of a properly qualified staff member.

ASSESSMENT METHOD: Review the facility's current **Staffing Pattern form, OCC 1206**, to determine if each aide is assigned to work only under the required supervision.

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Notes: *An aide may assume temporary group responsibility only under the following limited circumstances:*

- *The supervising staff member assigned to the group is briefly called away from the group (to answer the phone, cope with an upset child, take a child to the bathroom, etc.);*
 - *Taking three or less children to the bathroom, or*
 - *The group consists of napping children who are at least 2 two years old and the supervising staff member assigned to the group remains on site and within hearing range, in accordance with Chapter .08, Child Supervision, §.08B(2)(a).*
- (3) **According to the individual's professional development plan, complete approved continued training, at the rate of at least 6 clock hours per full year of employment as a child care aide, that consists of a:**
- (a) **Minimum of 3 clock hours of core of knowledge training; and**
 - (b) **Maximum of 3 clock hours of elective training; and**
- (4) **Document completion of the continued training on the professional development plan.**

INTENT: *In order to keep abreast with current child development issues and to be effective in knowing and adequately addressing children's developmental needs, an aide in a child care center must have sufficient continued training.*

INSPECTION REPORT ITEM: *"Aides – Continued Training"*

COMPLIANCE CRITERIA: *The child care aide completes at least 6 clock hours of approved continued training, as specified above, during each full year of employment.*

ASSESSMENT METHOD: *Review the aide's completed Professional Development Plan with attached documentation of trainings completed to determine if the aide has completed continued training as required during the previous full year of employment.*

Notes:

- *This regulation is met if the individual participates in the OCC Credentialing Program and has a current certificate noting achievement at Level 2 or above. Check the expiration date on the credential certificate. If expired, the individual must produce evidence of 12 hours of continued training.*
- *If individual states that the certificate is not expired, check with the Credentialing Branch for verification. See **"Checking Staff Continued Training in Child Care Centers Guidelines"**.*

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- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

B. Unless an individual, hired on or after January 1, 2009, to work as an aide, has completed 90 clock hours of the equivalent in early childhood education preservice training, the individual shall complete, within 6 months after the date of hire, an orientation session that follows guidelines established by the office and includes, but is not limited to:

- (1) Proper child supervision;**
- (2) Workplace professionalism; and**
- (3) Interacting with parents.**

***INTENT:** In order for a child care center aide to be knowledgeable about caring for children, facility procedures, and interacting with parents, the center must provide a timely orientation to the aide about such matters.*

***INSPECTION REPORT ITEM:** “Staff Orientation”*

***COMPLIANCE CRITERIA:** Within 6 months after date of hire, the center provides an orientation to aides which includes, but is not limited to, the items specified in §B(1)-(3) of this regulation.*

***ASSESSMENT METHOD:** Review the facility’s records indicating that each aide received the orientation required by this regulation.*

***Note:** Individuals hired to work as Aides who have completed six (6) semester hours or 90 clock hours in early childhood education prior to employment, or within the first 6 months of employment, are not required to complete an orientation session. See “Orientation Requirement for Aides in Child Care Centers”, June 7, 2011.*

.13 Substitutes.

A. A substitute shall be 18 years old or older, except that a substitute aide may be 16 years old or older.

***INTENT:** Except for the position of aide (for which the minimum age is 16-years-old), a substitute must be at least 18-years-old.*

***INSPECTION REPORT ITEM:** “Substitutes”*

***COMPLIANCE CRITERIA:** Each substitute aide is at least 16-years-old, and each substitute for all other positions is at least 18-years-old.*

ASSESSMENT METHOD: Review the **OCC form 1229, "Substitute Form"**, to determine if the person meets the applicable minimum age requirement. Request operator to produce documentation of the age of the substitutes. Documentation verifying age may include one of the following:

- Driver's license;
- Birth certificate;
- Age of majority card;
- College transcript; or
- Other government-issued document (e.g., passport, naturalization papers, green card, etc.)

- B. When a staff member is absent, the operator shall provide a substitute as needed to maintain the staff/child ratios required by COMAR 13A.16.08.03.**
- C. If a substitute is needed for longer than a continuous 2-week period, the operator shall provide a substitute who meets the qualifications required in this chapter for the absent staff member, or demonstrate that reasonable efforts have been made, with no success, to obtain a qualified substitute.**
- D. If a staff member is absent for more than a continuous 2-week period due to family or medical leave, the operator may receive permission from the office to employ a substitute for that absent staff member who does not meet the education, training, and experience qualifications for the absent staff member's position.**

INTENT: A center must be staffed with properly qualified personnel, and an operator may not use unqualified substitutes as a means to avoid that requirement. Except when replacing a staff member who is absent on extended family or medical leave, an operator may not use an unqualified substitute for more than two consecutive weeks without making a good faith effort to find a suitably qualified replacement for the absent staff member.

INSPECTION REPORT ITEM: "Substitutes"

COMPLIANCE CRITERIA: An unqualified substitute is used for more than 2 consecutive weeks only when:

- The regular staff member is on extended family or medical leave; or
- After a good faith effort, the operator is unable to find a suitably qualified replacement for the regular staff member.

ASSESSMENT METHOD: Request documentation from the facility director that substantiates, as applicable, the extended leave situation or the good faith effort to obtain a properly qualified replacement.

Notes: Examples of "good faith effort" documentation include, but are not limited to, staff recruitment ads in various newspapers, handbills, posters, participation in job fairs, radio ads, Internet ads, e-mail "list-serve" notices, etc.

- E. In a center where staff/child ratio and group size requirements set forth in COMAR 13A.16.08.03 require the presence of only one staff member, the substitute shall be qualified as a director or a teacher.**

.14 Support Personnel.

- A. The operator or the director shall provide additional personnel for all duties not involving direct supervision of children, such as personnel for food preparation and service, housekeeping, transportation, clerical, and other duties, if necessary to maintain the correct staff/child ratios at all times.**

INTENT: The facility must maintain correct staff/child ratios at all times. If attention by child care staff to program support duties such as meal preparation or child transportation will result in the inability to maintain those ratios, the operator must arrange for additional personnel to perform the support duties.

INSPECTION REPORT ITEM: "Support Personnel"

COMPLIANCE CRITERIA: All support duties are performed without detriment to the maintenance of minimum staff/child ratios.

ASSESSMENT METHOD: Review the facility's current personnel list and staffing pattern for evidence of needed support personnel, and observe implementation of appropriate support services.

- B. In a small center, the operator need not provide additional staff if children are involved in appropriate activities and supervised at all times while necessary duties, such as food preparation, are performed.**

INTENT: If routine program support duties can be performed without detriment to appropriate child supervision or activities, a small center operator is not required to arrange for additional personnel to perform those duties.

INSPECTION REPORT ITEM: "Support Personnel"

COMPLIANCE CRITERIA: All support duties are performed without detriment to appropriate child supervision or activities.

ASSESSMENT METHOD: While support duties are being performed, observe to determine the appropriateness of child supervision and the implementation of child activities. If unable to observe, interview the provider to ascertain how supervision is provided when support duties are performed.

- C. The operator of a center that provides a regular service involving the use of specialized health care procedures or equipment shall use as a consultant to the**

center in providing the service a registered nurse, nurse practitioner, physician's assistant, physician, or other licensed or certified service professional as appropriate.

INTENT: The operator may provide specialized health care services only if those services are administered by, or under the professional guidance of, properly qualified health care personnel.

INSPECTION REPORT ITEM: "Support Personnel"

COMPLIANCE CRITERIA: Each specialized health care service or procedure offered by the facility is conducted as follows:

- Directly by a properly qualified health care professional, or
- Under the review of a properly qualified health care professional.

ASSESSMENT METHOD: Review facility records for documentation that the specialized health care service or procedure is conducted by, or under the professional guidance of, an appropriately qualified health care professional.

.15 Volunteers.

- A. A child care center volunteer shall be under the close supervision of a staff member whenever the volunteer is in contact with an unrelated child in care at the center.**
- B. The operator may not use as a volunteer an individual who has been prohibited, or automatically would be prohibited, from employment at the center pursuant to Regulation .03A or B of this chapter.**

INTENT: For the safety of the other children in care, each volunteer must be monitored closely by a staff member whenever the volunteer is in the presence of an unrelated child. A person who would be barred from employment at the center due to a criminal record or a history of child abuse or neglect may not serve at the center as a volunteer.

INSPECTION REPORT ITEM: "Volunteers"

COMPLIANCE CRITERIA: Each volunteer at the center is:

- Monitored closely by center staff whenever in the presence of an unrelated child, and
- Used only if not unsuitable on the basis of criminal or abuse/neglect history.

ASSESSMENT METHOD:

- *Observe each volunteer to determine if, when, and how monitored by center staff. If observation is not possible, interview the director and other center staff as necessary to determine monitoring level and procedures.*
- *Interview the director to determine if background checks were conducted on the volunteer and, if so, whether the results would have barred the person from serving as a volunteer.*

Note: *For detailed guidelines concerning the use of volunteers and practicum students, see **Resource Guide entitled "Volunteers and Practicum Students in Child Care Facilities"**.*