



## Review of the Licensing Section of the Maryland State Plan Thursday, March 15, 2018

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| <b>Workgroup Attendees</b>   | Louis Valenti, Jr., Debra Godsey, Manjula Paul, Shay Gurry, Diane Mellott. Shawn Rose, Becky Yackley, Betty Huffman  |
| <b>Welcome And Opening Remarks</b>                                   | The group was called to order by Louis Valenti, Jr., the new Branch Chief for the Office of Licensing. Louis informed the group that their task was to review the licensing sections of the State Plan and discuss any changes the workgroup thought might strengthen Maryland's submission.   |
| Fingerprinting Requirements before Employment in a child care center | <p>The 2014 Reauthorization of the Child Care Development Block Grant requires potential child care providers to apply for a Maryland and FBI criminal background check. Before that potential staff member can begin work, the child care regional office must have received the results of at least one of those checks. In addition providers must submit a notarized release of information form to the regional office every two (2) years so that the Office may initiate a Child Protective Services (CPS) check. The potential child care employee may not begin work until the CPS check is complete and the person is found "clear" of any CPS history.</p> <p>The Department of Human Services (DHS) is Maryland's lead agency for CPS services, which operate under regional local departments of social services (LDSS). When MSDE accesses the information in the DHS' Children's Electronic Social Services Information Exchange System (CHESSIE), we can only see if the person has a CPS-related system. If the system indicates a possible CPS code, MSDE must send a letter to the appropriate LDSS to ask for additional information and wait for the response. That wait period sometimes exceeds four months.</p> <p>Louis reached out to the newly appointed Director of CPS to discuss the issues facing Maryland because of the CCDBG changes.</p> <p>The Licensing Branch also faces other challenges, which include:</p> <ul style="list-style-type: none"> <li>• Insufficient regional staff to handle the CPS related tasks. A child care provider working in Baltimore County may have a CPS history from another county and the information is either returned to the regional office or the LDSS may forward it to the appropriate LDSS. Until MSDE obtains a clearance, that child care provider may not begin work.</li> <li>• Per FBI guidelines, only government agencies are permitted to receive the results of an FBI background check. Under current procedure, Maryland's child care providers receive the results of the check. Maryland's Department of Public Safety informed MSDE that the providers will no longer receive those FBI results and, possibly, no longer receive the results of the state background check, or any alert information. Licensing staff will have to make employment fitness determinations and inform providers, in writing, if a prospective staff member is, or is not, employable. MSDE is establishing written policies and procedures to address this change in its operating</li> <li>• Maryland residents who apply for a FBI and/or State criminal background check are checked against the National Criminal Information Center/National Sex Offender Registry (NCIC/NSOR) database by the Maryland State Police (MSP). Maryland has been unable to determine how to obtain this information for out-of-state providers but is reaching out to the MSP to inquire if they would be willing to run the check for out-of-state providers for us.</li> </ul> |



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| <p>Health and Safety Training</p> | <ul style="list-style-type: none"><li>• Obtaining criminal history record checks from other states is also an issue. MSDE is gathering a detailed list of how providers can obtain the information from other states.</li></ul> <p>A stakeholder suggested Maryland request a waiver for the CBC process in the State Plan because MSDE has not determined all of the necessary policies and procedures yet. MSDE, beginning in October 2017, offered to reimburse child care providers for the costs of getting fingerprinted, using CCDF funds. A significant portion of the child care provider community has enrolled in Maryland's state "rap-back" and the newly implemented federal "rap-back" programs. Now, if a provider is arrested and fingerprinted, regional office staff will receive an "alert" notification at both the state and federal levels. This means the majority of Maryland's child care providers will not have to get fingerprinted again in five years because the "rap-back" programs ensure we receive daily notifications of any reportable events that may happen.</p> <p>Stakeholders discussed the required health and safety training/ MSDE was considering requiring the training as pre-service.</p> <p>Many stakeholders expressed their concerns about the negative impact this would have on the child care provider community. They also expressed concern about the insufficient number of staff in the regional offices to oversee the tracking this option would require.</p> <p>Stakeholders suggested DECD consider requiring the training within six (6) months of hire. The Final Rules of the Reauthorization Act do not allow for six months, but DECD has decided to require the training within the allowable three (3) months of hire. MSDE was promulgating regulations for the pre-service requirement and will have to pull them back to make the necessary changes. This will have an impact on the current State Plan and MSDE will need to request a State Plan Amendment.</p> |
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